



Meeting:	Plan Commission
Place:	1293 Washington Ave, Cedarburg
Date/Time:	August 15, 2018 / 7:00PM
Web Page:	www.town.cedarburg.wi.us
Posted:	August 10, 2018

Chairman	David Salvaggio	Town Administrator	Tim Rhode
Plan Commissioner	Rick Goeckner	Town Attorney	Brad Hoeft
Plan Commissioner	Larry Lechner	Director of Public Works	Adam Monticelli
Plan Commissioner	Dan Wundrock	Assistant Administrator/Clerk	Eric Ryer
Plan Commissioner	Wayne Pipkorn	Town Treasurer	Charles Pretty
Plan Commissioner	Mark Wittenberg	Deputy Town Clerk	Bonnie Erickson
Plan Commissioner	Anne Lewandowski	Recreation Coordinator	Paul Jungbauer

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. MINUTES OF PREVIOUS MEETINGS**
 - a. Approval of July 18, 2018 Plan Commission Meeting Minutes*
- 3. PUBLIC HEARING**
 - a. None
- 4. OLD BUSINESS**
 - a. Discussion and possible direction on an ordinance to amend Chapter 320: Zoning, relating to regulations regarding permitted accessory structures in residential districts*
- 5. NEW BUSINESS**
 - a. None
- 6. ADJOURNMENT**

*At the Plan Commission's discretion, the Commission may take comment from the public

Note: A quorum of Town Board of Supervisors may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Town Board will be taken at this meeting.

**TOWN OF CEDARBURG
PLAN COMMISSION MEETING MINUTES
July 18, 2018**

Present: David Salvaggio, Dan Wundrock, Mark Wittenberg, Anne Lewandowski, Wayne Pipkorn

Also Present: Tim Rhode, Administrator, Eric Ryer, Assistant Administrator/Clerk

Excused: Rick Goeckner, Ralph Luedtke

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Salvaggio called the regular meeting to order at 7:00 pm. The meeting began with the Pledge of Allegiance.

2. MINUTES OF PREVIOUS MEETING:

a. Approval of May 16, 2018 Plan Commission Meeting Minutes*

Commissioner Pipkorn moved and Commissioner Wundrock seconded a motion to approve the minutes from May 16, 2018. The motion passed unanimously.

3. PUBLIC HEARING

a. None

4. OLD BUSINESS

a. None

5. NEW BUSINESS

a. Discussion and possible direction regarding a major land division concept plan for the property located at 809 Granville Road [Owner: James Wiechert, 39.64 acres, NE ¼ Sec. 30]*

Dick Barbour of Westbrook Development submitted a concept application to discuss a potential nine lot Estate residential development on the property located at 809 Granville Road. Mr. Barbour had previously discussed the idea of an active senior development for this parcel in 2015, which ultimately did not proceed past the concept stage. The lot sizes shown on the concept plat range from 4.0 to 4.81 acres per lot, meeting requirements in the E-1 district.

Mr. Barbour reviewed the concept plan with the Commission, noting lots 8 and 9 would enter off of Granville Road, and lots 1-7 would enter off of Sherman Road using a shared driveway. It was noted that land divisions that abut section line roads should have a 100 foot (perpendicular to the road right-of-way) non-access planting strip easement to be provided along the entire frontage length of the future land division. The layout of the development was discussed, noting lot configurations and wetlands taken into account. It was noted all the existing structures would be raised as part of the plan. Staff clarified that the planting strip could be located in a common open space, or as an easement of private property. Mr. Barbour noted he was aware a fire cistern would be required of the development, and the lots would meet the 75' front yard setback from the private driveway easement.

The consensus of the Commission was for Mr. Barbour to move forward with submitting a preliminary plat application.

b. Discussion and possible direction on an ordinance to amend Chapter 320: Zoning, relating to regulations regarding permitted accessory structures in residential districts*

This topic was last discussed in 2014, when the Board approved a pair of ordinances that made changes to accessory structure size and height in several residential districts. At that time, it was not

uncommon for residents to request an increase to the allowable size for accessory structures. The ordinances seem to have addressed residents' desire for additional space due to the lack of size variance requests, however, staff has been fielding more questions regarding accessory structure height.

Chairman Salvaggio noted modern ranch homes often have a much steeper roof pitch, which affects the height of the accessory structure. Bob Tenges of 1556 Whitetail Lane spoke, suggesting the Commission consider regulations that would apply to older subdivisions, and separate set of regulations for newer subdivisions to account for the different styles of development that occur over different periods of time. He also noted their homeowner's association recently amended their rules to allow for outbuildings up to 1,500 square feet, where their rules previously did not allow for any outbuildings. Any such outbuilding must match materials and appearance. He suggested the Commission consider that higher heights be allowed, but none higher than the principal structure.

Commissioner Lewandowski was in favor of allowing taller outbuildings, but none higher than the principal structure. Commissioner Wittenberg questioned how the grade of the lot would be factored. Chairman Salvaggio recommended they be measured base to peak, not based on grade of the lot.

Following discussion, the Plan Commission directed staff to bring back some options at the next meeting.

6. ADJOURNMENT

Commissioner Lewandowski moved to adjourn the meeting. Commissioner Pipkorn seconded, the motion carried unanimously and the meeting was adjourned at 7:44p.m.

Respectfully Submitted,

Eric Ryer
Assistant Administrator/Clerk



Meeting Date: August 15, 2018
Agenda Item: # 4a

PLAN COMMISSION MEETING MEMORANDUM

TO: David Salvaggio, Chairman
Plan Commission & Town Board

FROM: Eric Ryer, Asst. Administrator/Clerk

MEMO WRITTEN: August 6, 2018

SUBJECT: Agenda Item # 4a: Discussion and possible direction on an ordinance to amend Chapter 320: Zoning, relating to regulations regarding permitted accessory structures in residential districts*

BACKGROUND

Accessory structure related ordinances were last amended in 2014, when the Board made changes to accessory structure size and height in several residential districts. At that time, it was not uncommon for residents to request an increase to the allowable size for accessory structures. Below are descriptions of the 2014 ordinances:

Ordinance 2014-5: increased the allowed size for accessory structures in the CR-A, TR and TR-2 districts to a maximum of 1,000 square feet for the first acre, plus an additional 100 square feet for each additional quarter acre up to a maximum of 1,500 square feet.

Ordinance 2014-10: increased the allowed size for accessory structures in the R-1, R-2 and R-3 Single-Family Residential districts to a maximum of 1,000 square feet for the first acre plus an additional 100 square feet for each additional quarter acre up to a maximum of 1,500 square feet. It also adjusted the requirement for height in the R-1, R-2, R-3, TR, and TR-2 accessory structures to be changed to a maximum height to 15 feet tall for single story homes and 25 feet tall for 1.5 and 2 story homes for those districts.

ISSUE OF HEIGHT

The ordinances listed above have addressed residents' desire for additional space due to the lack of size variance requests, however, staff has been fielding more questions regarding accessory structure height.

The issue is not with two-story homes that are allowed 25' in accessory structure height, but rather with single-story homes as they are allowed 15' in height, regardless of height of the home or pitch of the roof. Residents wishing to construct the building to match the pitch of the roof oftentimes puts them over the 15' limitation for ranch homes.

At the July meeting, a resident of the homeowner's association for the subdivision on Whitetail Lane explained they have amended their restrictions to allow for detached outbuildings to match the home. Due to the height of these homes, the requests for ranch homes will exceed the current 15' limitation.

Following this discussion, the Plan Commission directed staff to further research this issue and provide some options for discussion at the August meeting.

NEIGHBORING COMMUNITIES FOR REFERENCE

The City of Cedarburg and Town of Grafton allow typical 20' height limitation, while the Village of Grafton and City of Mequon allow typical 15' height limitation.

DISCUSSION FOR THIS MEETING

There are four main issues when considering accessory structures, each of which is elaborated on further below in detail, with some possible suggestions.

1. **Size:** size of accessory structures in residential districts was last amended in 2014 via a pair of ordinances. **These ordinances have adequately addresses resident needs as inquiries for additional square footage are few; no further amendments recommended at this time.**
2. **Height/setbacks:** the trend for ranch home construction has evolved over the years from lower, flatter rooves to higher, steeply pitched rooves that allow for higher ceilings inside the home. Homeowners that wish to match the appearance of these newer ranch homes are essentially required to apply for a variance as a 15' tall accessory structure will not match roof pitch. This preference for appearance to match, however, does not meet the standard to prove a hardship, and a variance is not the correct procedure for these cases. However, it is the only route for interested parties to take.

A previous version of the accessory structure ordinance for the R-1, R-2, R-3 and TR districts found in the Town Code from 1990 applied a uniform requirement of 15' maximum height, except for instances where the intent was to match the pitch of the roof of the principal structure, which then allowed for a maximum height of 25'. **The Town could consider going back to a 15' height limitation. If the applicant would like to go higher than 15' due to preference, appearance, or HOA requirement, the ordinance could be drafted to allow for accessory structures that allow for taller buildings so long as 1) the pitch of the roof match the home, 2) the accessory structure be no taller than the home (already in the current ordinance for the R-1, R-2, R-3, TR and TR-2 districts), 3) no space above the ground floor be finished (the rationale for this point is discussed further below). It is recommended to allow maximum heights for accessory structures in the R-2 and R-3 districts at 25' based on smaller minimum lot size and shorter maximum home height, and 35' for R-1, TR and TR-2 based on their larger minimum lot size and taller maximum home height (see table on next page).**

Important

3. **Appearance of Neighborhoods/Materials:** the appearance of accessory structures is influenced by the materials from which it is constructed. The Commission did not seem to have a desire to actively review materials on a case-by-case basis. Attempting to match materials on homes that are older may prove difficult, leading to exceptions. Such a slippery slope will make approval of materials **subjective than objective, so this issue may be best left to HOAs. If the Commission has certain materials in mind they do not want available to homeowners for accessory structures, these can be specified in the ordinance to keep it simple and uniform.**
4. **Use:** municipalities often wrestle with the issue of use of accessory structures. Allowing for larger, taller buildings provides opportunity to finish a second floor or loft area. While most homeowners use the space for hobbies, some inquire about installing a kitchen, bath, and even bedroom. Finishing of residential space would fall under the Town's current ordinance that allows for second single-family residences in the A-1, A-2, CR-A, CR-B and E-1 up to 30% of the footprint of the home, excluding the garage, or 900 square feet, whichever is smaller. The minimum size of the second dwelling unit shall be at least 300 square feet regardless of the 30% rule. The rental, lease, or separate sale of any such second dwelling unit is prohibited in order to protect the single-family residential nature and character of the district in which it is located. **It is recommended that any ordinance the Plan Commission consider at this time prohibit any finished space above the ground floor to avoid use related issues, and allow those interests to be regulated under the second single-family ordinance already on the books.**

PROPOSED AMENDMENTS FOR DISCUSSION

Zoning District	Minimum Lot Area	Maximum Building (Sq.Ft.) Total	*Minimum Setback-Side Yard (feet)	*Minimum Setback - Rear Yard (feet)	Current Maximum Height (feet)	Proposed Maximum Height (feet)
R-1 Single Family Residential	1.84 acres	1,000 s.f. max for minimum lot size + 100 s.f. for each additional ¼ acre up to 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	15' if single story residence. 25' if 1.5 or 2 story residence. No taller than home	15' *Taller than 15' requires structure to match roof pitch of home 35' maximum No taller than home
R-2 Single Family Residential See Section 320-109 (A)5.	0.92 acres	1,000 s.f. max for minimum lot size + 100 s.f. for each additional ¼ acre up to 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	15' if single story residence. 25' if 1.5 or 2 story residence. No taller than home	15' *Taller than 15' requires structure to match roof pitch of home 25' maximum No taller than home
R-3 Single Family Residential See Section 320-109 (A)5.	0.92 acres	1,000 s.f. max for minimum lot size + 100 s.f. for each additional ¼ acre up to 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	15' if single story residence. 25' if 1.5 or 2 story residence. No taller than home	15' *Taller than 15' requires structure to match roof pitch of home 25' maximum No taller than home
CR-A Countryside Residential*****	1 acre ' Density of: 1:4.5acres	1,000 s.f. max first acre + 100 s.f. for each additional ¼ acre 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	25'	No change
CR-B Countryside Residential*****	1 acre ' Density of: 1:4.5acres	1500 s.f. or less for lots <10 acres Lots >10 acres are allowed an additional 1,000 s.f. per acre	40' for buildings that house animals 25' for other buildings	40' for buildings that house animals 25' for other buildings	25'	No change
E-1 Estate	4 acres	2,000 s.f. Or greater than 2,000 s.f. with architectural design and site plan approval	40'	40'	35'	No change
TR Transitional Residential*****	1.5 acres Density of: 1:2.25A	1,000 s.f. max first acre + 100 s.f. for each additional ¼ acre 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	15' if single story residence. 25' if 1.5 or 2 story residence. No taller than home	15' *Taller than 15' requires structure to match roof pitch of home 35' maximum No taller than home
TR-2 Transitional Residential 2*****	1 acre Density of: 1:2 acres	1,000 s.f. max first acre + 100 s.f. for each additional ¼ acre 1,500 s.f. max	25' 10' if <150 s.f. & in rear yard	25' 10' if <150 s.f. & in rear yard	15' if single story residence. 25' if 1.5 or 2 story residence. No taller than home	15' *Taller than 15' requires structure to match roof pitch of home 35' maximum No taller than home

PLAN COMMISSION ACTION REQUESTED

Staff requests the Plan Commission discuss and direct staff as they see fit.

ATTACHMENTS:

- I. Ordinances 2014-5 and 2014-10

**TOWN OF CEDARBURG
ORDINANCE NO. 2014-5**

An Ordinance to Amend Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, relating to accessory structure size.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** the Plan Commission has reviewed Chapter 320 regarding accessory structure size in residential districts, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding the proposed amendments, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 Zoning of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-30. CR-A Countryside Residential A District.

C. Accessory uses. No accessory structures shall be permitted prior to the construction of the principal structure. Accessory structures in this zoning district shall not exceed a total of ~~600~~ 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to ~~4,000~~ 1,500 square feet total, except that existing agricultural buildings exceeding 1,000 square feet may be permitted by a conditional use permit only. Man-made recreational or wildlife ponds with a pond permit are allowed.

§ 320-32. TR Transitional Residential District.

C. Accessory uses.

- (1) Detached accessory structures in this zoning district shall not exceed a total of ~~600~~ 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only.

§ 320-33. TR-2 Transitional Residential 2 District.

C. Accessory dwellings.

- (1) Detached accessory structures in this zoning district shall not exceed a total of ~~600~~ 1,000 square feet for the first acre plus 100 square feet for each additional 1/4 acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only.

§ 320-109. Placement restrictions in residential districts.

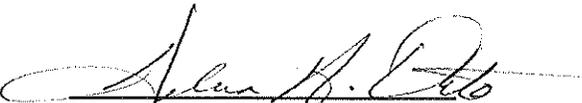
~~(2) Except as otherwise provided in this section, detached accessory buildings shall not be constructed in a size greater than 600 square feet in the TR Residential and CR-A Countryside Residential Zoning Districts. For lots in said districts that consist of more than one acre of land, then a detached accessory building may be constructed up to an additional size of 100 square feet for each additional 1/4 acre of land up to a maximum of 1,000 square feet total for the detached accessory building. Lots zoned R-1, R-2 and R-3 single-family residential are allowed a maximum of 1,000 square feet of detached accessory building space regardless of lot size (so long as they meet minimum lot size requirements). In the CR-B Countryside Residential Zoning District, detached accessory buildings shall not be constructed in a size greater than 1,500 square feet on any lot less than 10 acres in size. For CR-B lots greater than 10 acres in size, the detached accessory building may be constructed up to an additional 1,000 square feet per acre. The sizes of accessory structures in the TR, CR-A and CR-B Zoning Districts may be increased by conditional use permit if the accessory buildings existed at the time the lot was platted and if buildings have been deemed by the Landmarks Commission and Plan Commission to be of historic or preservative value as determined by § 320-63 of this chapter.~~

**(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County Wisconsin, this 2nd day of April, 2014.


David M. Valentine
Town Chairman


Debra Otto: Town Clerk

**TOWN OF CEDARBURG
ORDINANCE NO. 2014-10**

An Ordinance to Amend Chapter 320 Zoning, of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, relating to accessory structures.

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** the Plan Commission has reviewed Chapter 320 regarding accessory structures in residential districts, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding the proposed amendments, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 Zoning of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-32. TR Transitional Residential District.

C. Accessory uses.

- (1) Detached accessory structures in this zoning district shall not exceed a total of 1,000 square feet for the first acre plus 100 square feet for each additional ¼ acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only. Detached accessory structures shall not exceed 15 feet in height for a single story residence. Detached accessory structures shall not exceed 25 feet in height for a 1.5 story or two story residence. All detached accessory structures shall not exceed the height of the principle structure. See § 320-108 for further detail.

I. Building height: maximum 42 feet. ~~The height of accessory structures shall not exceed 15 feet.~~

§ 320-33. TR-2 Transitional Residential 2 District.

C. Accessory dwellings.

- (1) Detached accessory structures in this zoning district shall not exceed a total of 1,000 square feet for the first acre plus 100 square feet for each additional ¼ acre up to 1,500 square feet total, except that existing agricultural buildings exceeding 600 square feet may be permitted by a conditional use permit only. Detached accessory structures shall not exceed 15 feet in height for a single story residence. Detached accessory structures shall not exceed 25 feet in height for a 1.5 story or two story residence. All detached accessory structures shall not exceed the height of the principle structure. Reference § 320-108 for further detail.

I. Building height: maximum 42 feet. ~~The height of accessory structures shall not exceed 15 feet.~~

§ 320-109. Placement restrictions in residential districts.

(2) Lots zoned R-1, R-2 and R-3 single-family residential are allowed a maximum of 1,000 square feet of detached accessory building space for the minimum lot size plus 100 square feet for each additional ¼ acre up to 1,500 square feet total ~~regardless of lot size (so long as they meet minimum lot size requirements). The sizes of accessory structures in the TR, CR-A and CR-B Zoning Districts may be increased by conditional use permit if the accessory buildings existed at the time the lot was platted and if buildings have been deemed by the Landmarks Commission and Plan Commission to be of historic or preservative value as determined by § 320-63 of this chapter.~~

(3) Detached accessory structures in R-1, R-2, and R-3 and TR Residential Zoning Districts shall not exceed 15 feet in height for a single story residence. Detached accessory structures shall not exceed 25 feet in height for a 1.5 story or two story residence. All detached accessory structures shall not exceed the height of the principle structure, except where the intent is to match the pitch of the principal structure. Where the intent is to match the pitch of the principal structure, detached accessory structures shall not exceed 25 feet in height (for storage purposes only) and shall not exceed the height of the principal structure in R-1, R-2, R-3 and TR Zoning Districts and 25 feet in CR-A and CR-B Zoning Districts. Outbuildings in the E-1 Estate District shall not exceed a height of 35 feet.

**(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 2nd day of July, 2014.


Bonnie Erickson
Deputy Town Clerk


David M. Valentine
Town Chairman