



Meeting:	Plan Commission
Place:	1293 Washington Ave, Cedarburg
Date/Time:	September 19, 2018 / 7:00PM
Web Page:	www.town.cedarburg.wi.us
Posted:	September 7, 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 August 15, 2018 Plan Commission Meeting Minutes*
- 3. PUBLIC HEARING**
 - a. None
- 4. OLD BUSINESS**
 - a. None
- 5. NEW BUSINESS**
 - a. Discussion and possible recommendation on Ordinance 2018-3, “An Ordinance to amend Chapter 320: Zoning, relating to regulations regarding permitted accessory structures in residential districts”*
- 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
August 15, 2018**

Present: David Salvaggio, Dan Wundrock, Mark Wittenberg, Anne Lewandowski, Wayne Pipkorn,
Larry Lechner, Rick Goeckner

Also Present: Eric Ryer, Assistant Administrator/Clerk

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. He then welcomed new Plan Commissioner Larry Lechner.

2. MINUTES OF PREVIOUS MEETING:

a. Approval of July 18, 2018 Plan Commission Meeting Minutes*

Commissioner Wundrock moved and Commissioner Lewandowski seconded a motion to approve the minutes from July 18, 2018. The motion passed unanimously.

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*

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

The Commission discussed accessory structure height, zoning district differences, and roof pitch. The consensus of the Commission was to move forward with drafting an ordinance for their consideration at the September meeting incorporating the changes as proposed in the staff memo.

5. NEW BUSINESS

a. None

6. ADJOURNMENT

Commissioner Wundrock moved to adjourn the meeting. Commissioner Lewandowski seconded, the motion carried unanimously and the meeting was adjourned at 7:17p.m.

Respectfully Submitted,

Eric Ryer
Assistant Administrator/Clerk

PLAN COMMISSION MEETING MEMORANDUM

TO: David Salvaggio, Chairman
Plan Commission & Town Board

FROM: Eric Ryer, Asst. Administrator/Clerk

MEMO WRITTEN: September 3, 2018

SUBJECT: Agenda Item # 5a: Discussion and possible recommendation on Ordinance 2018-3, “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 questions regarding accessory structure height. The main issue is with single-story homes as they are currently 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.

PLAN COMMISSION DISCUSSIONS

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 typical height of these homes, the requests for ranch homes will exceed the current 15’ limitation. The Plan Commission directed staff to further research this issue. At the August meeting, the Commission reviewed possible amendments, directing staff to draft an ordinance. The following page outlines proposed amendments.

ELEMENTS TO CONSIDER

There are four main elements when considering accessory structures, each of which is elaborated on below in detail, with 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 are included 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 taller 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 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 draft ordinance allows applicants to go higher than 15' so long as 1) the pitch of the roof match the home, 2) the accessory structure be no taller than the home, 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 other districts shown based on larger lot size and/or taller maximum home height.**

3. **Appearance of Neighborhoods/Materials:** the appearance of accessory structures is influenced by the materials from which it is constructed. The Commission did not have a desire to actively review materials on a case-by-case basis. **This issue will be left to HOAs.**
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. **The draft ordinance would 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.**

PLAN COMMISSION ACTION REQUESTED

Staff requests the Plan Commission discuss the attached draft ordinance and consider a recommendation to the Town Board.

ATTACHMENT:

- I. Draft Ordinance 2018-3

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'	15' *Taller than 15' requires structure to match roof pitch of home 35' maximum No taller than home
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'	15' *Taller than 15' requires structure to match roof pitch of home 35' maximum No taller than home
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

Action	Date	Status
Public Notice in News Graphic	9-18-18 & 9-25-18	To be published
Plan Commission recommendation	9-19-18	Tonight
Town Board public hearing, meeting & possible decision	10-3-18	Upcoming

**TOWN OF CEDARBURG
ORDINANCE NO. 2018-3**

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).**

§ 320-109. Placement restrictions in residential districts.

An accessory use or building may be established subject to the following regulations:

A. Location. Accessory uses and detached accessory buildings are permitted in the rear and side yard only.

- (1) Accessory buildings shall not be closer than 10 feet to a principal structure.
- (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 1/4 acre up to 1,500 square feet total (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 Residential Zoning Districts shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35' in the R-1 district and 25' in the R-2 and R-3 districts for a single-story residence. Detached accessory structures shall not exceed 25 feet in height for a one-and-one-half-story or two-story residence. There shall be no finished space above the first floor. All detached accessory structures in any residential zoning district shall not exceed the height of the principal structure.
- (4) Accessory buildings shall not be closer than 25 feet to a lot's side and rear yard, except as otherwise noted in the Town Code ~~noted for outbuildings in the CR-B District, § 320-31C(4).~~

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

B. Principal use: single-family detached dwellings.

C. Accessory structures and 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 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 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. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. All detached accessory structures shall not exceed the height of the principal structure.

§ 320-31. CR-B Countryside Residential B District.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses. No accessory structures shall be permitted prior to the construction of the principal structure. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. All detached accessory structures shall not exceed the height of the principal structure.

(1) Generally.

(a) Accessory structures in this zoning district on lots less than 10 acres in size shall not exceed a total of 1,500 square feet on the first floor ~~and shall not exceed 25 feet in height~~, except that existing agricultural buildings with a total square footage exceeding 1,500 square feet may be permitted by a conditional use permit only.

(b) Accessory structures in this zoning district on lots 10 acres in size or greater shall not exceed a maximum total of 1,000 square feet per acre ~~and shall not exceed 25 feet in height~~.

§ 320-32. TR Transitional Residential District.

B. Principal use: single-family detached dwellings.

C. Accessory structures and uses.

(1) No accessory structures shall be permitted prior to the construction of the principal structure. 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 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. Detached accessory structures shall not exceed 15 feet in height unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. 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 one- and one-half story or two-story residence. All detached accessory structures shall not exceed the height of the principal structure. Reference § 320-108 for further detail.~~

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

B. Principal use: single-family detached dwellings.

C. Accessory structures ~~dwellings~~.

(1) No accessory structures shall be permitted prior to the construction of the principal structure. ~~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 unless constructed so that the pitch of the roof of the accessory structure matches the pitch of the roof of the principal structure, with maximum height being 35'. There shall be no finished space above the first floor. 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 one- and one-half story or two-story residence. All detached accessory structures shall not exceed the height of the principal structure. Reference § 320-108 for further detail.~~

**(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 X day of X, 201X.

David M. Salvaggio
Town Chairman

Eric Ryer
Assistant Administrator/Clerk