

ORDINANCE 2019-04 AMENDING SECTIONS 575-83, 575-18 AND 575-51 IN THE VILLAGE OF FREDONIA CODE OF ORDINANCES PERTAINING TO ACCESSORY USES, BUILDINGS OR STRUCTURES WITHIN THE VILLAGE

The Village Board of the Village of Fredonia does ordain as follows:

Section 575-83 is hereby amended to read as follows:

§ 575-83 Accessory uses, buildings or structures.

- A. Principal structure to be present. An accessory building or structure in any zoning district shall not be established prior to the principal building or structure being present or under construction. Any accessory building or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions. An accessory building, use or structure may be established subject to the following regulations:
 - (1) Placement and dimensions. Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than five feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than ~~20%~~ 35% of the rear yard area in all districts except the business districts, where such uses and structures shall not occupy more than 75% of the rear yard area, and shall not be closer than three feet to any lot line nor five feet to an alley line.
 - (2) Temporary storage buildings. Temporary buildings for storage of building materials and equipment and for construction purposes are allowed when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.
 - (3) Tents. Under no circumstances may a tent be used as an accessory structure for more than three consecutive days.
 - (4) Rebuild approval permit. In the RS-3 zoning district, which is an older, small-lot-sized district within the Village, there is an additional exception to the 20% limitation for occupying area. In the RS-3 zoning district, where an accessory structure currently exists, the property owner may apply to the Planning Commission for a rebuild approval permit to occupy more than ~~20%~~ 35% of the rear yard area. For corner lots in the RS-3 zoning district, the side yard setback can be based upon the existing setback of the existing home, even if it is less than 25 feet. The Planning Commission will consider the actual lot, the neighborhood, and the effect the permit would have on neighboring parcels and the effect that it would have on the applicant's parcel. The rebuild approval permit may allow for the rebuilding of an accessory structure up to a maximum of ~~720~~ 864 square feet, on a case-by-case basis, after review and approval by the Planning Commission.
- C. Use restrictions – residential district. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for household occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- D. Landscaping uses. Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens.
- E. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Outdoor lighting is subject to regulation under § **575-65**.
- F. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories such as

pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.

- G. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls.
- H. Terrace area restrictions. In addition to the definitions and restrictions contained in Chapter **491**, Streets and Sidewalks, Article **IV**, § **491-11**, and Chapter **522**, Trees and Shrubs, § **522-2**, of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

Section 575-18 is hereby amended to read as follows:

§ 575-18 RS-3 Single-Family Residential District.

- A. Purpose. The RS-3 Residential District is intended to provide for single-family residential development, at densities not to exceed the density specified by this section, served by municipal sewer and water facilities. It is not intended that the Village will create any additional RS-3 Districts.
- B. Permitted buildings, structures and uses.
 - (1) Single-family dwellings. On all lots platted after the effective date of this chapter, an attached garage for two but not more than three vehicles is required.
 - (2) Foster family home.
 - (3) Community-living arrangement which have capacity for eight or fewer persons served by the program.
 - (4) Essential services, provided all above ground facilities are not located in any street yard.
- C. Permitted accessory buildings, structures and uses.
 - (1) Detached garage if an existing two-car garage is attached to the principal structure. (See building code for specific limitations.)
 - (2) Gardening, tool and storage sheds, gazebos and decks incidental to the residential use.
 - (3) Household occupations and professional home offices.
- D. Conditional uses.
 - (1) Two-family dwellings. On all lots platted after the effective date of this chapter, attached garages for two vehicles per dwelling unit shall be provided.
 - (2) Attached garages in excess of those allowed as permitted uses.
 - (3) See Article **IV**.
 - (4) Rebuild approval permit. After application and approval under § **575-83B(4)**, a detached, rebuilt accessory structure of up to ~~720~~ **864** square feet may occupy more than ~~20%~~ **35%** of the rear yard area. For corner lots, the detached accessory structure may intrude into the side yard setback to the same extent that the existing home intrudes on the side yard setback.

Section 575-51 is hereby amended to read:

§ 575-51 Residential district conditional uses.

The following uses shall be conditional in residential districts and may be permitted as specified:

- A. Housing for the elderly in the RM-1 and RM-2 multiple-family residential districts, provided that elderly housing densities shall not exceed 22 units per net acre.
- B. Community living arrangements which have a capacity for nine or more persons in the RS-1, RS-2, RS-3, RD-1, RD-2 and RD-3 residential districts. Community living arrangements which have a capacity for 16 persons or more in the RM-1 and RM-2 residential districts.
- C. Photographic studios in all residential districts.
- D. Model homes and accessory sales offices within the model home in all residential districts.
- E. Commercial greenhouses.
- F. Bed-and-breakfast establishment, subject to the following:
 - (1) Regulations.
 - (a) Compliance with state standards. All bed-and-breakfast establishments and licensees shall be subject to and comply with Ch. ATCP 73, relating to bed-and-breakfast establishments or Ch. ATCP 72, Wis. Adm. Code, relating to hotels, motels and tourist rooming houses.
 - (b) Registry. Each bed-and-breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigning quarters. The register shall be kept intact and available for inspection by a Village representative for a period of not less than one year.
 - (2) Permit required.
 - (a) Village permit required. In addition to the permit required by Chapter ATCP 72 or ATCP 73, Wisconsin Administrative Code, before opening for business every bed-and-breakfast establishment shall obtain a permit from the Zoning Administrator by application made upon a form furnished by said officer and shall obtain a conditional use permit.
 - (b) Application requirements. The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this article:
 - [1] Site plan showing location and size of buildings, parking areas and signs.
 - [2] Number, surfacing and size of parking stalls.
 - [3] Number, size and lighting of signs.
 - [4] A receipt showing payment of the appropriate fee indicated on the Village Board approved fee schedule.
 - (c) Registration of agent. The identity of the person designated by the owner to be in charge of such establishment shall be filed, in writing, with the Zoning Administrator upon issuance of the permit and updated five days prior to taking charge. The Zoning Administrator shall be notified, in writing, five days prior to any change of registered agent.
 - (d) Display of permit. The permit issued by the Zoning Administrator shall be conspicuously displayed in the bed-and-breakfast establishment.

- (3) Off-street parking required. Permits shall be issued only to those establishments that provide a minimum of one improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this section regulating bed-and-breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.
- (4) On-site signs. Total signage shall be limited to a total of 12 square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this section regulating bed-and-breakfast establishments shall not be subject to the other requirements of this Zoning Code with respect to signs.
- (5) Termination of permit. A bed-and-breakfast use permit shall be void upon the sale or transfer of the property ownership. The Planning Commission shall review, approve, and conditionally approve, or deny an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection F above shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this section, or of State of Wisconsin regulations as set forth in Ch. ATCP 72 or ATCP 73, Wis. Adm. Code, or as above provided.

G. Mobile home parks in the RS-3 District, provided that:

- (1) Minimum park size shall be 10 acres.
- (2) Minimum park width shall be 450 feet.
- (3) Maximum number of mobile home sites shall be six per acre.
- (4) Minimum open space provided shall be 20% of the development area, exclusive of streets.

This ordinance shall take effect and be in force one day after its passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Fredonia, Ozaukee County, Wisconsin, this 16th day of May, 2019.

Donald Dohrwardt, Village President

ATTEST:

Sandra Tretow, Village Clerk