

**AMENDED
AGENDA
CITY OF STURGEON BAY
CITY PLAN COMMISSION**
Wednesday, September 19, 2018
6:00 p.m.
Council Chambers, City Hall
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 18, 2018.
4. Presentation of: Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1).
5. Consideration of: Modification of Planned Unit Development for Walmart, 1536 Egg Harbor Road.
6. Consideration of: Requirements for Electronic Variable Message Signs.
7. Consideration of: Amendments to Section 20.25 of the Sturgeon Bay Zoning Code relating to conditional uses.
8. **Consideration of: Zoning code amendments for accessory dwelling units.**
9. Public comment on non-agenda Plan Commission related items.
10. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Plan Commission Members:
Dennis Statz
Steven Hurley
Jeff Norland
Laurel Hauser
Mike Gilson



MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director
Date: September 14, 2018
Subject: Accessory Dwelling Units

During several meetings in 2016 and 2017 the Plan Commission considered the issue accessory dwelling units. An accessory dwelling unit is smaller secondary unit in addition to the principal dwelling on the lot. The Plan Commission ultimately recommended various amendments to the zoning code that would permit accessory dwelling units under various regulations.

The recommendation was approved by the Council and the ordinance was drafted and public hearing held. But the ordinance was not adopted by the Council. However, recently the Council took up the issue and wants accessory dwelling units to be considered again. The matter was referred back to the Plan Commission for another recommendation.

The prior ordinance is attached. The Plan Commission has the options of again recommending adoption of the ordinance relating to accessory dwelling units, make changes to the proposed regulations and make recommendation, or recommend that no changes be made at all.

ORDINANCE NO. _____

THE COMMON COUNCIL OF THE CITY OF STURGEON BAY, WISCONSIN DO ORDAIN
AS FOLLOWS:

SECTION 1: Section 20.03 Definitions. of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby repealed and recreated as follows:

Accessory dwelling unit: A smaller, secondary dwelling unit on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation.

SECTION 2: Section 20.09(2)(h) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

(h) Accessory Dwelling Units, subject to the following:

1. Not more than one accessory dwelling unit shall be permitted on a lot.
2. Accessory dwelling units shall be allowed only on a lot having at least 7,000 square feet.
3. Accessory dwelling units shall not exceed 800 square feet in floor area and shall have a minimum floor area of 250 square feet.
4. The property owner of record must reside in either the primary dwelling unit or the accessory dwelling unit as their permanent and legal address. A restrictive agreement shall be recorded to this effect.
5. In addition to off-street parking spaces required for the primary dwelling unit, a minimum of one off-street parking space for an efficiency or one-bedroom accessory dwelling unit, or a minimum of two off-street parking spaces for a two or more bedroom accessory dwelling unit, shall be provided.
6. The accessory dwelling unit shall not be leased for periods of less than one calendar month or 30 days. A restrictive agreement shall be recorded to this effect. If the property owner of record resides in the accessory dwelling unit, then this minimum rental period shall apply to the primary dwelling unit.
7. The accessory dwelling unit shall not be conveyed or separated in ownership from the primary dwelling unit.

8. The accessory dwelling unit shall comply with the Sturgeon Bay Housing Code (chapter 22 of the municipal code) and with all pertinent building codes.
9. Accessory dwelling units may be attached to or detached from the single-family residence.
10. Attached accessory dwelling units shall comply with the following:
 - a. The accessory dwelling unit shall be clearly incidental to the principal dwelling unit and the building's exterior shall appear to be single-family.
 - b. If the accessory dwelling unit is created from a portion of the principal dwelling unit, the floor area of the principal dwelling unit shall not be reduced below the minimum floor area required for the zoning district in which it is located.
 - c. Location of entrances. Only 1 entrance may be located on the facade of the dwelling facing the street, unless the dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - d. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling unit.
11. Detached accessory dwelling units shall comply with the following:
 - a. The accessory dwelling unit shall be subject to the requirements of section 20.29 *Accessory building height and area regulations*.
 - b. The accessory dwelling unit shall comply with all building code regulation relating to dwellings.
 - c. Floor Area. The floor area of accessory dwelling unit shall be exempted from the maximum floor area for accessory buildings on the lot.

SECTION 3: Section 20.175(2)(p) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

- (p) Accessory Dwelling Units, subject to the requirements set forth in section 20.09(2)(h).

SECTION 4: Section 20.22(2)(m) of the Municipal Code (Zoning Code) of the City of Sturgeon Bay, Wisconsin is hereby created as follows:

(m) Accessory Dwelling Units, subject to the requirements set forth in section 20.09(2)(h).

This ordinance shall take effect on the day after its publication.

Approved:

Thad Birmingham
Mayor

Attest:

Stephanie L. Reinhardt
City Clerk