

**AGENDA**  
**CITY OF STURGEON BAY**  
**CITY PLAN COMMISSION**  
Wednesday, December 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 October 17, 2018.
4. Consideration of: Zoning text amendment related to building height exemption for Historic-designated structures.
5. Consideration of: Zoning text amendment regarding accessory building setbacks and height codes.
6. Consideration of: Zoning code amendments for Accessory Dwelling Units.
7. Public comment on non-agenda Plan Commission related items.
8. 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

**CITY PLAN COMMISSION**  
Wednesday, October 17, 2018

A meeting of the City Plan Commission was called to order at 6:01 p.m. by Acting Chairperson Dennis Statz in the Council Chambers, City Hall, 421 Michigan Street.

**Roll Call:** Members Jeff Norland, Dennis Statz, Steven Hurley, Mike Gilson, and Laurel Hauser were present. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

**Adoption of the Agenda:** Moved by Mr. Norland, seconded by Mr. Hurley to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 19, 2018.
4. Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1).  
Presentation  
Public Hearing  
Consideration of
5. Consideration of: Zoning code amendments for accessory dwelling units.
6. Consideration of: Regulations for solar energy systems.
7. Public comment on non-agenda Plan Commission related items.
8. Adjourn.

Carried.

**Approval of minutes from September 19, 2018:** Moved by Ms. Hauser, seconded by Mr. Gilson to approve the minutes from September 19, 2018. All ayes. Carried.

**Request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1):**

**Presentation:** Mr. Sullivan-Robinson stated that this request is to rezone a portion of a parcel located on Shiloh Road from Agricultural to Single-Family Residential (R-1). This 350' x 200' portion contains four homes. A variance was granted in the 70's to allow the four homes on the parcel with 75 feet of frontage each. The use of the homes is workforce rental. The zoning map amendment is inconsistent with the Future Land Use Map of the Comprehensive Plan. But, the amendment would aid the goals of preserving agricultural land and supporting affordable housing because each dwelling would not need one acre of lot area. Thus, overall, the zoning change is consistent with the Comprehensive Plan.

**Public Hearing:** Mr. Statz opened the public hearing at 6:10 p.m.

Attorney Randy Nesbitt, 454 Kentucky Street, stated that he is representing the Lois Anderson Estate. There are a total of 14.9 acres. There is a perspective buyer with intentions of updating the four houses by replacing the windows and siding. The most economic use would be to leave the rental homes as is on the 1.6 acre parcel. They will be good workforce housing into the future, with rents ranging less than current available apartments in the area. Approximately

13.3 acres will continue to be used as farmland. He encouraged the Commission to approve the rezoning.

Mr. Gilson wondered if someone could subdivide the lot and rebuild. Mr. Nesbitt responded that the variance doesn't allow for subdividing. If a house would burn down, they would be able to rebuild in the same place under the variance that exists.

Mr. Sullivan-Robinson added that in the R-1 district, the minimum lot size is 10,000 square feet and 85 feet of street frontage.

Mr. Olejniczak thought that possibly three R-1 lots could be created. There is an easement that is located along the south lot line of the property that goes along with a different property. The septic fields also need to be considered, as there are four septic systems and one well.

Andrew Morrell, 354 N 17<sup>th</sup> Dr., is the potential buyer of the portion of the property with the four homes. He has no intention of changing anything other than updating the homes. All four homes will remain on the property. He currently owns other homes that are rented out for workforce housing.

There were no letters of correspondence in favor or against the rezoning request.

Mr. Statz closed the public hearing at 6:20 p.m.

**Consideration of:** Mr. Olejniczak offered options to either hold off on making a decision until the next meeting or make a motion and pass with 3/4/ vote to act on this item at this meeting.

After a short discussion, it was moved by Ms. Hauser, seconded by Mr. Statz to act on this request at this meeting. All ayes. Carried.

Moved by Ms. Hauser, seconded by Mr. Norland to recommend to Council approval of the request to rezone property located at 1816, 1824, 1832, and 1842 Shiloh Road from Agricultural (A) to Single-Family Residential (R-1). All ayes. Carried.

**Consideration of: Zoning code amendments for accessory dwelling units:** Mr. Olejniczak explained that at the last meeting Mr. Gilson suggested that a family member could reside in one of the units instead of the property owner. Mr. Olejniczak added that suggested change to the proposed ordinance.

Mr. Olejniczak stated he was also asked to look into the requirement stating a minimum rental period was 30 days or longer. The State has now adopted new rules that restrict municipality's ability to regulate short-term rentals. He contacted the interim City Attorney and his response was that the 30 day period has now become a 7 day period. Short-term rentals can still be restricted, but only shorter than 7 days. In addition, it can be restricted to 180 days in one year and the 180 days can run consecutively. Mr. Olejniczak made the changes to the proposed ordinance to reflect the state statutes.

Discussion took place as to who is an immediate family member that could reside in one of the units. Immediate family member should be more clearly defined.

Mr. Norland stated that people buy single-family residential property for a reason.

Mr. Hurley expressed that he was not a fan of short-term rentals. He wondered if the ADU code would be just housing for a family member.

Mr. Statz explained that the state code contradicts the purpose of accessory dwelling units. He would like "immediately family" looked at and to speak to Joel Kitchens regarding the state rules to see if this can be revised or if it is set in stone. Mr. Statz believed this item should be put on hold for now.

Alderwoman Kelly Avenson stated that she is in favor of accessory dwelling units. She created a unit on 3<sup>rd</sup> Avenue as a short-term rental. It progressed and she was able to buy a home. It is a big investment. Financially, it can be beneficial. It should be considered.

No further action was taken at this time.

**Consideration of: Regulations for solar energy systems:** Mr. Sullivan-Robinson stated that at a previous Aesthetic Design & Site Plan Review Board meeting, a local business was seeking approval for installation of two solar panels. The City has no current regulations on solar energy systems. The Board requested that staff brings information to Plan Commission to review and possibly create an ordinance.

Staff researched the state statutes, as well as other municipality's ordinances. Sturgeon Bay Utilities General Manager Jim Stawicki also provided a Local Government Solar Toolkit that had been assembled to equip local governments with information regarding solar development as it relates to planning, zoning, and permitting.

Mr. Stawicki stated that an appropriate space is needed for solar panels. They are site specific. Based on the size of the property, they may not be worth installing.

Commission members had questions, such as the difference between ground mounted and roof mounted. Would ground mounted be allowed in the R-1 district?

It was the consensus of the Commission to proceed with creating a solar energy system ordinance. Mr. Stawicki will work with City staff on creating an ordinance.

**Public comment on non-agenda Plan Commission related items:** Chris Kellems, 120 Alabama Street, stated that solar can also mean domestic water systems. There is so much missed opportunity where solar is not being used.

**Adjourn:** Moved by Mr. Gilson, seconded by Ms. Hauser to adjourn. All ayes. Carried. Meeting adjourned at 6:59 p.m.

Respectfully Submitted,



Cheryl Nault  
Community Development/Building Inspection Secretary



# MEMO

**To:** Plan Commission  
**From:** Christopher Sullivan-Robinson *CSR*  
**Date:** December 12, 2018  
**Subject:** Zoning Text Amendment Related to Building Height Exemption

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A referral was made during the December 4<sup>th</sup> Common Council meeting to have the Plan Commission review a code text amendment in regard to building height exemption for historic designated structures. In your packet is a copy of the sample ordinance. True, this is related to the Sturgeon Bay Historic Society's request to move the granary back onto the West Waterfront property. The reason for the request is due to future planning for the granary's location. It does not matter where the building is to be located within the City of Sturgeon Bay, height codes will still be an obstacle on any property.

The proposed code would allow any historic structure, which is currently listed as historic by the City (under chapter 28), State, and/or Federal Register of Historic Places to be exempt from height codes outlined in section 20.27. If the height is to be increased approval will need to be pursued from the Historic Preservation Commission.

In the City, there aren't a lot of historically designated structures that exceed this height limit. Those structures that don't meet height requirement would be subject non-conformity rules. These rules state that any structure that fails to meet setbacks are allowed to make additions, repairs or reconstructs of the nonconforming building using the existing building setbacks as long as those setbacks aren't further diminished and the floor area of any addition don't exceed 50 percent of the floor area of the building.

In addition, zoning code also allows other means for project approval when the standard codes can't be met. The Planned Unit Development process allows for a custom ordinance based on the proposed development. Another option is to apply for a variance, if there is belief that there is a hardship imposed on the applicant. Another option is to request review of specific codes that may be outdated or creates issues for current and future land uses. Staff sees no issue with the request.

The Plan Commission and Council must decide if this zoning text amendment will have more benefits than challenges for current and future land uses. The Plan Commission has the ability to make a recommendation to Council to approve, approve with changes, or deny the code text amendment. Since this was a request by the Council, a recommendation must be made.

## DRAFT ORDINANCE

12/12/18

20.27 - Height and area regulations generally.

- (1) For each lot in the R-4, C-1, C-3, C-4, and C-5 districts, the combined area of all roofed, paved, and other impervious surfaces shall not exceed 70 percent of the total area of the lot. Existing lots with impervious surfaces that exceeded 70 percent prior to adoption of this section shall be exempted from this provision provided that there shall be no further net increase of impervious surfaces on such lots.
- (2) The dimensional requirements relating to lot size, density, yards, height, and floor area shall be as specified for each zoning district in the following table:

	Lot Size		Density			Required Yards***			Height **	Floor Area per Dwelling Unit (square feet)				
			Minimum Lot Area per Dwelling Unit (square feet)									Multiple-Family		
Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Single Family	Two Family	Multiple Family	Street (feet)	Side (feet)	Rear (feet)	Maximum Building Height (feet)	Single Family	Two Family	1 Bedroom	2 Bedroom	3+ Bedroom
R-1	10,000	85	10,000	—	—	25	10	25	35	1,400	—	—	—	—
R-2	7,500	70*	7,500	6,000#	—	25	10	25	35	800	500/1,500##	—	—	—
R-3	7,500	70*	7,500	6,000#	3,500	25	10	25	35	800	500/1,500##	500	750	1,000
R-4	8,400	70*	8,400	6,000	3,500	25	10	25	45	1,000	500/1,500	500	750	1,000



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R-M	7,500	65	7,500	—	—	25	10	10	35	720	—	—	—	—
C-1	8,400	70	—	—	3,500	25	10	25	45	—	—	500	750	1,000
C-2	6,000	70	—	—	3,500	15	5	25	45	—	—	500	750	1,000
C-3	8,400	70	—	—	3,500	25	10	25	45	—	—	500	750	1,000
C-4	8,400	70	—	—	—	25	10	25	45	—	—	—	—	—
C-5	7,500	70*	7,500	6,000#	3,500	20	8	25	35	800	500/ 1,500 ##	500	750	1,000
I-1/I-1A	25,000	100	—	—	—	40	20	25	45	—	—	—	—	—
I-2/I-2A	25,000	100	—	—	—	50	20	25	45	—	—	—	—	—
A	43,560 (1 acre)	150	43,560 (1 acre)	21,780 (½ acre)	—	40	10	25	35	1,000	800	—	—	—
CON	None	None	—	—	—	25	10	10	45	—	—	—	—	—
PUD	See section 20.24 for applicable standards													

\* Within these districts, the minimum lot width shall be increased to 80 feet for lots used for two-family or multiple-family dwellings, except that the minimum lot width shall remain 70 feet for existing single-family dwellings constructed prior to Jan. 1, 2004 that are converted into two-family dwellings.

\*\* See Section 20.27 (4) for additional height standards.

\*\*\* For lots that abut two or more streets, all sides of the lot that abut a street shall meet the street yard requirement.

# Within these districts, the minimum lot area for converting an existing single-family dwelling constructed prior to January 1, 2004, into a two-family dwelling shall be 5,000 square feet per dwelling unit (10,000 square feet total).

## 500 square feet for the smallest dwelling unit, with a minimum 1,500 square feet combined floor area for both units.

(3) *Exceptions to yard requirements:*

(a) Within the C-2 district, where a proposed building or addition abuts an existing building on the adjoining lot (zero side yard), the minimum street yard (setback) shall be equal to the existing street yard for the adjoining building.

(b) Within the C-2 district, the minimum side yard shall be reduced to zero if an adjoining building already has a zero side yard.

(c) Within that portion of the C-2 district that is also within the Waterfront Redevelopment District, the city plan commission may, after review and recommendation by the Waterfront Design Review Board, authorize a zero side yard or a lesser street yard (setback) than required under subsection (2). The intent of this provision is to provide relief from the yard requirements in locations where it is desirable to create, recreate, or maintain a traditional downtown development pattern and character.

(d) Structures such as ramps and landings, lifts, or elevator housings designed to comply with the Americans with Disabilities Act requirements, for which there are no feasible alternative locations shall be excepted from the minimum yard requirements.

(e) Within the R-2, R-3, and C-5 districts, the minimum street yard (setback) shall be 17 feet for unenclosed appurtenances to a dwelling, such as porches, decks, balconies, and stairways.

(4) *Exceptions to height requirements:*

(a) Buildings used for agricultural purposes may exceed this height.

(b) Buildings that have been designated as historic structures on a local, state or national register of historic places shall be exempt from the maximum building height provided any increase in height is approved by the Historic Preservation Commission.

~~(4)~~-(5) *Zero lot line duplexes (attached dwelling units).* In districts where two-family dwellings are allowed, such dwellings may be developed as zero lot line duplexes (attached dwellings units), subject to the following requirements:

(a) The side yard for adjoining lots identified for attached dwelling units may be zero along the common lot line, provided that:

1. Each lot shall have a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet and a combined minimum lot width of 80 feet and minimum lot area of 12,000 square feet.

2. Such adjoining lots proposed for the zero side yard are held under the same ownership at the time of initial construction.

3. The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

4. The opposite side yard is not less than required under subsection (2).

5. Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.



- (b) The construction of the dwelling units shall meet the following requirements at all times:
1. There shall be a minimum one-car enclosed garage, attached to such main building, for each unit.
  2. The exterior materials and roof materials on each unit shall be the same color and consistency.
  3. The plans, specifications, and construction of such buildings shall include the installation of separate sewer, water and other utility services to each dwelling unit.
- (c) Matters of mutual concern to adjoining property owners due to construction, catastrophe, and/or maintenance shall be governed by private covenants, declarations, or deed restrictions and the City of Sturgeon Bay shall not be responsible for the same. A copy of such covenants, declarations, or restrictions shall be submitted to the city for its review prior to issuance of a building permit.
- (d) Zero lot line duplexes (attached dwelling units) shall only be permitted on lots that have been identified for such development on the applicable subdivision plat or certified survey map. Such lots shall be identified at the time of approval of the subdivision plat or certified survey map (CSM). For all such lots containing less than 70 feet of lot width or 8,400 square feet of lot area, a covenant shall be placed on the face of the subdivision plats and certified survey maps creating such lots as follows: "Development on Lots (*list lot numbers*) is restricted to the construction of zero lot line duplexes (attached dwelling units)." No odd number of lots may be created nor may construction skip an odd number of lots.
- ~~(5)~~ (6) *Setback from navigable water.* All principal and accessory buildings shall be located at least 25 feet from the ordinary high water mark of all navigable water.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1105-0803, § 1, 8-19-03; Ord. No. 1115-1203, § 1, 12-2-03; Ord. No. 1128-0804, §§ 3, 5, 8-17-04; Ord. No. 1135-1204, § 1, 12-21-04; Ord. No. 1174-0906, §§ 3—5, 9-20-06; Ord. No. 1299-0414, § 1, 4-15-14)



# MEMO

**To:** Plan Commission  
**From:** Christopher Sullivan-Robinson *CSR*  
**Date:** December 13, 2018  
**Subject:** Accessory Building Setbacks and Height Code Text Amendment

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Plan Commission has previously reviewed both of these items this past year. Both of these items are regulated under Chapter 20 of municipal code (Zoning Code). Accessory building height code was revised to allow a maximum building height of 16 feet and allowance to exceed that height if certain conditions are met. A copy of the ordinance is in your packets. This item was recommended to Council for approval, but it was the consensus to wait until the accessory building setbacks was reviewed. Then both items would get recommended to Council at the same time. Just for clarity, this item should get re-recommended to Council, since the recommendation is a several months old.

Accessory building setback codes were reviewed over several months. Plan Commission was given several options and requested an ordinance based on lot widths less than/greater 100 feet be drafted by staff. In your packet is the draft ordinance. This option assumes that wider lots have more room for placement of accessory structures so an increased setback is applied.

As stated in the previous memo, staff sees no compelling reason to make changes to the minimum setbacks for accessory structures within the zoning code for the following reasons:

- The increased setbacks will make a fair number of existing conforming buildings into non-conforming buildings.
- There has not been a strong push from the public to increase setbacks.
- It likely will lead to an increase in variance requests.
- It could make administration of the code more complicated.

Nevertheless, the draft ordinance is a reasonable way to ensure bigger setbacks on more spacious lots.

In addition to action on the setback amendment, it is recommended that the Plan Commission confirm its previous recommendation to Council regarding the maximum height for accessory buildings.

### Potential amendment for Accessory Building Height

#### **20.29 - Accessory building height and area regulations—Single-family dwellings and two-family dwellings.**

Accessory building regulations, for single-family dwellings and two-family dwellings, shall be as follows:

- (1) *Height.* The height of an accessory building shall not exceed ~~16 feet~~14 feet, measured from the finished grade to the highest point of the roof, unless all of the following conditions are met:
  - (a) In cases where the construction of the accessory building's roof pitch ~~and side walls~~ match that of the principal building ~~and the sidewalls do not exceed that of that of the principal dwelling~~, then the maximum building height shall not exceed 24 feet and the eave side walls shall not exceed 14 feet.
  - (b) The overall building height ~~shall may equal, but not exceed,~~ the height of the principal building.
  - ~~(c) The maximum height of the eave sidewall shall not exceed ten feet on structures 1,000 square feet or less and structures more than 1,000 square feet shall be limited to 16 feet.~~
- (2) *Street yard.* There shall be a minimum setback from the street right-of-way line of 25 feet. In addition, except on waterfront lots abutting the waters of Sturgeon Bay, an accessory building shall be located no closer than the principal building to the street at its nearest point, except when the principal building is more than 60 feet from the street, the accessory building minimum setback shall be 60 feet.
- (3) *Side yard.* There shall be a minimum side yard of five feet, except on the street side of a corner lot the minimum side yard shall be the same as required for the principal building.
- (4) *Rear yard.* There shall be a minimum rear yard of six feet, except that, when the rear yard abuts a street, the minimum rear yard shall be the same as required for the principal building.
- (5) *Total area.* Accessory buildings shall not occupy more than one-third of the required area for the rear yard.
- (6) *Floor area.* The total floor area of all accessory buildings shall not exceed 1,000 square feet for single-family dwellings or 1,200 square feet for two-family dwellings or three percent of the land area, whichever is greater, to a maximum of 2,000 square feet. If upper floors are constructed within the accessory building, the floor area of the upper floors shall be included in the calculation of square footage of floor area.
- (7) *Number permitted.* There shall be a maximum of two accessory buildings permitted on the same lot.
- (8) *Separation.* An accessory building shall be located no closer than five feet to the principal building.

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(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1019-799, § 1, 7-20-99; Ord. No. 1026-1099, § 1, 10-19-99; Ord. No. 1043-0600, § 1, 6-20-00; Ord. No. 1087-0203, §§ 2, 3, 2-18-03; Ord. No. 1146-0505, § 1, 5-17-05; Ord. No. 1297-0913, §§ 1, 2, 9-17-13)



# Draft Ordinance

Forma

## 20.29 - Accessory building height and area regulations—Single-family dwellings and two-family dwellings.

Forma

Accessory building regulations, for single-family dwellings and two-family dwellings, shall be as follows:

- (1) *Height.* The height of an accessory building shall not exceed 14 feet, measured from the finished grade to the highest point of the roof, unless all of the following conditions are met:
  - (a) In cases where the construction of the accessory building's roof pitch and side walls match that of the principal building, then the maximum building height shall not exceed 24 feet and the eave side walls shall not exceed 14 feet.
  - (b) The overall building height may equal, but not exceed, the height of the principal building.
  - (c) The maximum height of the eave sidewall shall not exceed ten feet on structures 1,000 square feet or less and structures more than 1,000 square feet shall be limited to 16 feet.
- (2) *Street yard.* There shall be a minimum setback from the street right-of-way line of 25 feet. In addition, except on waterfront lots abutting the waters of Sturgeon Bay, an accessory building shall be located no closer than the principal building to the street at its nearest point, except when the principal building is more than 60 feet from the street, the accessory building minimum setback shall be 60 feet.

### (3) Side and rear yard setback as follows:

Forma

Forma

Forma

Accessory Building Setbacks		
Lot Width	Side Yard Setback	Rear Yard Setback
<100'	5'	6'
≥100'	10'	10'

(a) *Exceptions.* On the street side of a corner lot the minimum side and rear yard shall be the same as required for the principle dwelling.

Forma

Forma

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- (3) *Side yard.* There shall be a minimum side yard of five feet, except on the street side of a corner lot the minimum side yard shall be the same as required for the principal building.
- (4) *Rear yard.* There shall be a minimum rear yard of six feet, except that, when the rear yard abuts a street, the minimum rear yard shall be the same as required for the principal building.
- (5) *Total area.* Accessory buildings shall not occupy more than one-third of the required area for the rear yard.
- (6) *Floor area.* The total floor area of all accessory buildings shall not exceed 1,000 square feet for single-family dwellings or 1,200 square feet for two-family dwellings or three percent of the land area, whichever is greater, to a maximum of 2,000 square feet. If upper floors are constructed

within the accessory building, the floor area of the upper floors shall be included in the calculation of square footage of floor area.

- (7) *Number permitted.* There shall be a maximum of two accessory buildings permitted on the same lot.
- (8) *Separation.* An accessory building shall be located no closer than five feet to the principal building.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1019-799, § 1, 7-20-99; Ord. No. 1026-1099, § 1, 10-19-99; Ord. No. 1043-0600, § 1, 6-20-00; Ord. No. 1087-0203, §§ 2, 3, 2-18-03; Ord. No. 1146-0505, § 1, 5-17-05; Ord. No. 1297-0913, §§ 1, 2, 9-17-13)



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# MEMO

**To:** City Plan Commission  
**From:** Marty Olejniczak, Community Development Director *mo*  
**Date:** December 13, 2018  
**Subject:** Accessory Dwelling Units – Response to PC Questions

During the last Plan Commission meeting in October, there were questions regarding the recent state law prohibiting municipalities from imposing minimum housing rental periods of longer than 7 days. The members liked the 30-day minimum rental period in the draft ordinance and had concerns about changing that to 7 days. I was asked to get more info from Interim City Attorney Jim Kalny.

The City Attorney reports the following:

1. It is unlikely that the state law will be revisited or repealed. It was lobbied hard by the Wisconsin Realtors Association and had strong support in both houses of the legislature.
2. If the City tries to impose the 30-day rental restriction by adding conditions to each approval of an accessory dwelling unit, it would violate the state law. Conditions imposed under the more general conditional use portion of the zoning law cannot trump the more specific restriction against minimum residential rental period.

So it appears that if accessory dwelling units will be allowed under the zoning, whether by right or by conditional use, the minimum rental period can be set at 7 days, but no more. Hence, the draft code still has the same language as the state statute.

The Plan Commission still needs to make a recommendation to the Council regarding the overall proposed ordinance.

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, or an immediate family member, 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. Short-term rental restrictions:
  - a. The accessory dwelling unit shall not be leased rented for periods of less than one calendar month or 30 days 7 consecutive days.
  - b. If the accessory dwelling unit is rented for periods of more than 6 but fewer than 29 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 180 days. The maximum 180 days

shall run consecutively within each 365-day period. The owner of the accessory dwelling unit shall notify the city clerk in writing when the first rental within a 365-day period begins.

- c. A restrictive agreement shall be recorded to this effect.
  - d. If the property owner of record resides in the accessory dwelling unit, then this minimum rental period ~~these short-term rental restrictions~~ 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:

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Thad Birmingham  
Mayor

Attest:

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Stephanie L. Reinhardt  
City Clerk