

ORDINANCE NO. OR06-05

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CHAPTER 106, ZONING, ARTICLE IV., ZONING DISTRICTS,
SECTION 106-91, R-1 SINGLE FAMILY RESIDENTIAL DISTRICT,
AS IT RELATES TO ZONING
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION 1. Chapter 106, Zoning, Article IV, Zoning Districts, Section 106-91 R-1 Single Family Residential Residential District are hereby repealed and recreated as follows:

Sec. 106-91.1 R1-H Single-Family Residential District, High Density

(a) Intent. The City of Brillion Comprehensive Plan has identified the need for the City to provide more housing choices for residents. Specifically, the City wishes to allow for smaller single-family dwellings on smaller lots, planned so in an orderly manner. The R1-H district is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, maintaining residential areas predominately by single-family, detached dwellings on smaller lots, and to provide high quality, higher-density single family development.

(b) Performance standards

(1) Compatibility.

- a. All uses shall be compatible with the character of a one (1) family residential zone.
- b. All structures shall conform and compliment the general character of the surrounding neighborhood.

(2) Design

- a. Overall size and shape of structures should be similar to surrounding homes.
- b. Architectural detail should be as similar as possible to surrounding homes.
- c. Homes should be placed on their sites in a pattern similar to neighboring homes.
- d. Provide doors, windows and elements such as porches or stoops that follow neighborhood patterns.

(3) Principal permitted uses

- a. Single-family dwellings.
- b. Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 62.23(7) (i).
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.

(4) Permitted accessory uses

- a. Private garages and carports.
- b. Gardening, tool and storage sheds incidental to the residential use.

- c. Minor structures such as pet houses and play equipment incidental to the residential use, in rear yard.
- d. Satellite dish antennas located in the rear yard. Satellite dish antennas less than 30 inches in diameter shall be allowed anywhere except in any front yard of any lot.
- e. Roof-mounted solar collectors which do not detract from the appearance of the structure, provided that the location of the collector is approved by the city plan commission.

(5) Conditional uses. Reference Section 106-123.

(6) Prohibited uses

- a. Agriculture, except for small home gardens for personal use.
- b. Any other use which is neither a permitted use nor an authorized conditional use.

(c) Lot dimension requirements

- (1) Minimum lot area: 8000 square feet
- (2) Minimum street frontage, measured from street right-of-way: 40 feet
- (3) Minimum lot width at building line: 50 feet
- (4) Minimum lot frontage at corner lots: 100 feet
- (5) Minimum setbacks
 - a. Street yard: 25 feet
 - b. Side yard: 8 feet
 - c. Rear yard: 25 feet

(d) Building standards

- (1) Maximum building height: 35 feet
- (2) Maximum lot coverage: 35 percent principal building, 50 percent total
- (3) Minimum living space area: 900 square feet
- (4) Minimum bi-level and two story first floor area: 600 square feet
- (5) Minimum floor area tri-level: 450 square feet per level
- (6) Maximum attached garage gross floor area 960 square feet.

(e) Accessory building standards

- (1) Maximum accessory buildings per lot: 1
- (2) Maximum building height: 15 feet, but not to exceed the height of the principal structure
- (3) Maximum rear yard coverage: 30 percent
- (4) Maximum floor area
 - a. Detached private garages: 960 square feet, but not to exceed the footprint of the principal structure.
 - b. All other detached accessory buildings, such as garden or utility sheds: 144 square feet

(5) There shall be no more than one garage per dwelling unit.

(6) Exterior finishes, colors and construction materials must be consistent with the exterior finish and colors of the principal structure.

(7) Minimum setbacks

- a. Side Yard: 5 feet
 - b. Rear Yard: 5 feet
 - c. Distance from principal structure: 10 feet
- (8) Accessory building placement
- a. Private detached garages: side or rear yard
 - b. Other detached accessory buildings, such as garden or utility sheds: rear yard, not to be plainly visible from the street.
 - c. There shall be no accessory building placed or erected in the street yard.
- (f) Landscape standards. Reference Section 106-168 (6).
- (g) Yard modifications. Reference Section 106-168.
- (h) Erosion control
- (1) Topsoil removal and the sale of topsoil removed from a parcel is a conditional use in all districts except the CD conservancy district. The plan commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.
 - (2) See Article XII of this chapter for additional provisions about erosion control.
- (i) Plans and specifications to be submitted to city building inspector. To encourage a single-family residential environment that is compatible with the residential character of the city, building permits for permitted uses in the R1-H single-family residential district, high density shall not be issued without review and approval of the city building inspector in accordance with the guidelines set forth in sections [106-242--106-246]. Such review and approval shall be concerned with general layout, building plans, ingress, egress and parking.

Sec. 106-91.2 R1-M Single-Family Residential District, Medium Density

- (a) Intent. The R1-M district is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, maintaining residential areas predominately by single-family, detached dwellings on medium sized lots, and to provide high quality, medium density, single-family development.
- (b) Performance standards
- (1) Compatibility.
 - a. All uses shall be compatible with the character of a one (1) family residential zone.
 - b. All structures shall conform and compliment the general character of the surrounding neighborhood.
 - (2) Design
 - a. Overall size and shape of structures should be similar to surrounding homes.
 - b. Architectural detail should be as similar as possible to surrounding homes.
 - c. Homes should be placed on their sites in a pattern similar to neighboring homes.
 - d. Provide doors, windows and elements such as porches or stoops that follow neighborhood patterns.

- (3) Principal permitted uses
 - a. Single-family dwellings.
 - b. Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 62.23(7) (i).
 - c. Foster family homes.
 - d. Family day care homes.
 - e. Essential services.

- (4) Permitted accessory uses
 - a. Private garages and carports.
 - b. Gardening, tool and storage sheds incidental to the residential use.
 - c. Minor structures such as pet houses and play equipment incidental to the residential use, in rear yard.
 - d. Satellite dish antennas located in the rear yard. Satellite dish antennas less than 30 inches in diameter shall be allowed anywhere except in any front yard of any lot.
 - e. Roof-mounted solar collectors which do not detract from the appearance of the structure, provided that the location of the collector is approved by the city plan commission.

- (5) Conditional uses. Reference section 106-123.

- (6) Prohibited uses
 - a. Agriculture, except for small home gardens for personal use.
 - b. Any other use which is neither a permitted use nor an authorized conditional use.

(c) Lot dimension requirements.

- (1) Minimum lot area: 10,000 square feet
- (2) Minimum street frontage, measured from street right-of-way: 50 feet
- (3) Minimum lot width at building line: 50 feet
- (4) Minimum corner lot width: 120 feet
- (5) Minimum Setbacks
 - a. Street yard: 25 feet
 - b. Side Yard: 8 feet, with a total of 20 feet
 - c. Rear yard: 25 feet

(d) Building standards

- (1) Maximum building height: 35 feet
- (2) Maximum lot coverage: 40 percent
- (3) Minimum living space area: 1100 square feet
- (4) Minimum bi-level and two story first floor area: 800 square feet
- (5) Minimum floor area tri-level: 550 square feet per level
- (6) Maximum attached garage gross floor area 960 square feet.

(e) Accessory building standards

- (1) Maximum accessory buildings per lot: 1
- (2) Maximum building height: 15 feet, but not to exceed the height of the principal structure
- (3) Maximum rear yard coverage: 30 percent
- (4) Maximum floor area

- a. Detached private garages: 960 square feet, but not to exceed the footprint of the principal structure.
 - b. All other detached accessory buildings, such as garden or utility sheds: 144 square feet
- (5) There shall be no more than one garage per dwelling unit.
- (6) Exterior finishes, colors and construction materials must be consistent with the exterior finish and colors of the principal structure.
- (7) Minimum setbacks
- a. Side Yard: 8 feet
 - b. Rear Yard: 8 feet
 - c. Distance from principal structure: 10 feet
- (8) Accessory building placement
- a. Private detached garages: side or rear yard
 - b. Other detached accessory buildings, such as garden or utility sheds: rear yard, not to be plainly visible from the street.
 - c. There shall be no accessory building placed or erected in the street yard.
- (f) Landscape standards. Reference Section 106-168 (6)
- (g) Yard modifications. Reference Section 106-168
- (h) Erosion control
- (1) Topsoil removal and the sale of topsoil removed from a parcel is a conditional use in all districts except the CD conservancy district. The plan commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.
 - (2) See Article XII of this chapter for additional provisions about erosion control.
- (i) Plans and specifications to be submitted to city building inspector. To encourage a single-family residential environment that is compatible with the residential character of the city, building permits for permitted uses in the R1-M single-family residential district, medium density shall not be issued without review and approval of the city building inspector in accordance with the guidelines set forth in sections [106-242--106-246]. Such review and approval shall be concerned with general layout, building plans, ingress, egress and parking.

Sec. 106-91.3 R1-L Single Family Residential District, Low Density

- (a) Intent. The R1-L district is established to protect the integrity of the residential areas by prohibiting incursion of incompatible residential and nonresidential uses, maintaining residential areas predominately by single-family, detached dwellings on large sized lots, and to provide high quality, low density, single-family development.
- (b) Performance standards
 - (1) Compatibility.

- a. All uses shall be compatible with the character of a one (1) family residential zone.
- b. All structures shall conform and compliment the general character of the surrounding neighborhood.

(2) Design

- a. Overall size and shape of structures should be similar to surrounding homes.
- b. Architectural detail should be as similar as possible to surrounding homes.
- c. Homes should be placed on their sites in a pattern similar to neighboring homes.
- d. Provide doors, windows and elements such as porches or stoops that follow neighborhood patterns.

(3) Principal permitted uses

- a. Single-family dwellings.
- b. Community living arrangements which have a capacity for eight or fewer persons, subject to the limitations set forth in Wis. Stats. § 62.23(7) (i).
- c. Foster family homes.
- d. Family day care homes.
- e. Essential services.

(4) Permitted accessory uses

- a. Private garages and carports.
- b. Gardening, tool and storage sheds incidental to the residential use.
- c. Minor structures such as pet houses and play equipment incidental to the residential use, in rear yard.
- d. Satellite dish antennas located in the rear yard. Satellite dish antennas less than 30 inches in diameter shall be allowed anywhere except in any front yard of any lot.
- e. Roof-mounted solar collectors which do not detract from the appearance of the structure, provided that the location of the collector is approved by the city plan commission.

(5) Conditional uses. Reference section 106-123.

(6) Prohibited uses

- a. Agriculture, except for small home gardens for personal use.
- b. Any other use which is neither a permitted use nor an authorized conditional use.

(c) Lot dimension requirements.

- (1) Minimum lot area: 20,000 square feet
- (2) Minimum street frontage, measured at street right-of-way: 50 feet
- (3) Minimum lot width at building line: 80 feet
- (4) Minimum corner lot width: 120 feet
- (5) Minimum Setbacks
 - a. Street yard: 25 feet
 - b. Side Yard: 10 feet
 - c. Rear yard: 25 feet

(d) Building standards

- (1) Maximum building height: 35 feet
- (2) Maximum lot coverage: 40 percent

- (3) Minimum living space area: 1600 square feet
- (4) Minimum bi-level and two story first floor area: 900 square feet
- (5) Minimum floor area tri-level: 650 square feet per level
- (6) Maximum attached garage gross floor area 960 square feet.

(e) Accessory building standards

- (1) Maximum accessory buildings per lot: 1
- (2) Maximum building height: Not to exceed the height of the principal structure
- (3) Maximum rear yard coverage: 30 percent
- (4) Maximum floor area
 - a. Detached private garages: 960 square feet, but not to exceed the footprint of the principal structure.
 - b. All other detached accessory buildings, such as garden or utility sheds: 144 square feet
- (5) There shall be no more than one garage per dwelling unit.
- (6) Exterior finishes, colors and construction materials must be consistent with the exterior finish and colors of the principal structure.
- (7) Minimum setbacks
 - a. Side Yard: 10 feet
 - b. Rear Yard: 10 feet
 - c. Distance from principal structure: 10 feet
- (8) Accessory building placement
 - a. Private detached garages: side or rear yard
 - b. Other detached accessory buildings, such as garden or utility sheds: rear yard, not to be plainly visible from the street.
 - c. There shall be no accessory building placed or erected in the street yard.

(f) Landscape standards. Reference section 106-168 (6).

(g) Yard modifications. Reference section 106-168.

(h) Erosion control

- (1) Topsoil removal and the sale of topsoil removed from a parcel is a conditional use in all districts except the CD conservancy district. The plan commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.
- (2) See Article XII of this chapter for additional provisions about erosion control.

(i) Plans and specifications to be submitted to city building inspector. To encourage a single-family residential environment that is compatible with the residential character of the city, building permits for permitted uses in the R1-L single-family residential district, low density shall not be issued without review and approval of the city building inspector in accordance with the guidelines set forth in sections [106-242--106-246]. Such review and approval shall be concerned with general layout, building plans, ingress, egress and parking.

Sec. 106-91.4 R-MH Residential Mobile Homes

The requirements for property within the R-MH Mobile Home District shall be as provided in Chapter 54 of the City of Brillion Municipal Code.

SECTION II: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR06-05 introduced and its adoption moved by Alderperson Unbehaun; and seconded by Alderperson Edinger.

Upon a pole vote thereon, the result was as follows:

 9 Votes Cast
 9 Votes Yes
 0 Votes No

The Mayor declared Ordinance Number OR06-05 adopted, approved and signed the same this 26th day of June, 2006.

Gerald Sonnabend
Mayor

Attested:

Lori M. Gosz, CMC
City Administrator/Clerk-Treasurer