

ORDINANCE NO. 2024-08

AN ORDINANCE AMENDING ARTICLE II, RESIDENTIAL DISTRICTS OF CHAPTER 475, ZONING OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 475, ZONING, ARTICLE II, RESIDENTIAL DISTRICTS, BE AMENDED TO READ AS FOLLOWS:

Article II

Residential Districts

§ 475-201 Districts enumerated; descriptions; allowed uses and building types.

- A. The districts. The Village's residential zoning districts are listed in Table 2-1. When this chapter refers to "residential" zoning districts or "R" zoning districts, it is referring to these districts. (See also the NX District in Article III.)

Table 2-1	
Residential (R) Districts	
Symbol	Residential District Name
R1-75	Single-Dwelling Detached District
R1-50	Single-Dwelling Detached District
R2	Two-Unit Residential District

B. District descriptions.

- (1) General. Residential zoning districts are primarily intended to maintain and promote a variety of housing opportunities for individuals and households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential (public/civic) uses are also allowed.
- (2) R1 Single-Dwelling Detached Districts. The R1 Districts are primarily intended to accommodate detached houses. The number suffix attached to R1 District names is a shorthand reference to the minimum lot frontage (in feet) required for detached houses. When this chapter refers to "R1 Districts" it is referring to all R1 Districts.
- (3) R2 Two-Unit District. The R2 District is primarily intended to accommodate two-unit, twinhouses and detached houses.

C. Allowed uses. Uses are allowed in R Districts in accordance with the use regulations of Article VII.

D. Allowed building types.

- (1) Allowed residential uses must occupy residential buildings, which are allowed in R Districts in accordance with Table 2-2.
- (2) Allowed public and civic uses must occupy civic buildings, which are allowed in R Districts, as indicated in Table 2-2.

Table 2-2 R District Building Types			
● = permitted — = prohibited			
Building Type	Districts		See Section
	R1	R2	
Residential Buildings			
Detached house	●	●	§ 475-202
Twinhouse	—	●	§ 475-203
Two-unit house	—	●	§ 475-204
Multiunit (3+) building	—	—	See NX District regulations of Article III
Backyard cottage	●	●	§ 475-205
Nonresidential Buildings			
Civic building	●	●	§ 475-206

§ 475-202 Detached houses.

- A. Description. A detached house is a residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.
- B. Where allowed. Detached houses are allowed in all R Districts.
- C. Lot and building regulations. Detached houses are subject to compliance with the lot and building regulations of Table 2-3.

**Table 2-3
Detached Houses in R Districts**

Regulation	R1-75	R1-50 and R2
(1) Lot		
Minimum lot area (square feet)	7,500	5,000
Minimum lot frontage (feet)	75	40
Minimum lot width (feet)	65	50
(2) Principal Building Siting		
Minimum principal building setbacks		
Front (feet)	30 or average setback ¹	25 or average setback ¹
Street side (corner lot)	50% of front yard depth of the lot abutting the rear lot line	
Interior side (feet) (per side/total)	6/14	6/14

Table 2-3

Detached Houses in R Districts

Regulation	R1-75	R1-50 and R2
Rear (% of lot depth)	20% ²	20% ²
(3) Accessory Building Siting		
Street side setback	Same as front yard depth of the lot abutting the rear lot line or 15 feet if the lots share a rear lot line.	
Minimum interior side setback (feet)	4	4
Minimum rear setback (feet)	2	2
(4) Maximum Building Coverage		
All buildings, interior lots (% of lot area)	40%	40%
All buildings, corner lots (% of lot area)	50%	50%
Accessory buildings (% of rear yard area)	30% ³	30% ⁴
(5) Maximum Building Height		
Principal building (stories/feet)	2.5/35 ⁵	2.5/35
Accessory building (feet)	15	15
(6) Minimum Facade Transparency		
Front (%)	15%	15%
Street side (%)	10%	10%

NOTES:

- 1 See also the average setback provisions in § 475-1502E(3).
- 2 Rear setback may not be less than 15 feet and is not required to exceed 30 feet.
- 3 Accessory building may not exceed 1,200 square feet in floor area.
- 4 Accessory building may not exceed 900 square feet in floor area.

Table 2-3

Detached Houses in R Districts

Regulation	R1-75	R1-50 and R2
5	Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least two feet for each foot of building height in excess of 35 feet.	

§ 475-203 Twinhouses.

- A. Description. A twinhouse is a residential building occupied by two dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.
- B. Where allowed. Twinhouses are allowed in the R2 District.
- C. Lot and building regulations. Twinhouses are subject to compliance with the lot and building regulations of Table 2-4 and the supplemental twinhouse regulations of § 475-207.

Table 2-4

Twinhouses in R2 District

Regulation	R2
(1)	Lot
Minimum lot area (square feet)	3,750
Minimum lot frontage (feet)	25
Minimum lot width (feet)	30
(2)	Principal Building Siting
Minimum principal building setbacks	
Front (feet)	25 or average setback ¹
Street side (corner lot)	50% of front yard depth of the lot abutting the rear lot line
Interior side (feet)	6 ²
Rear (% of lot depth)	20% ³
(3)	Accessory Building Siting
Street side setback	Same as front yard depth of the lot abutting the rear lot line or 15 feet if the lots share a rear lot line.
Minimum interior side setback	4

Table 2-4

Twinhouses in R2 District

Regulation	R2
(feet)	
Minimum rear setback (feet)	2
(4) Maximum Building Coverage	
All buildings, interior lots (% of lot area)	40%
All buildings, corner lots (% of lot area)	50%
Accessory buildings (% of rear yard area)	30%
(5) Maximum Building Height	
Principal building (stories/feet)	2.5/35 ⁴
Accessory building (feet)	15
(6) Minimum Facade Transparency	
Front (%)	15%
Street side (%)	10%

NOTES:

- 1 See also the average setback provisions in § 475-1502E(3).
- 2 Interior side setback applies only to end units (i.e., on nonattached side).
- 3 Rear setback may not be less than 15 feet and is not required to exceed 30 feet.
- 4 Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least two feet for each foot of building height in excess of 35 feet.

§ 475-204 Two-unit houses.

- A. Description. A two-unit house is a residential building located on a single lot and occupied by two dwelling units.
- B. Where allowed. Two-unit houses are allowed in the R2 District.
- C. Lot and building regulations. Two-unit houses are subject to compliance with the lot and building regulations of Table 2-5.

Table 2-5

Two-Unit Houses in R2 District

Regulation	R2
(1) Lot	
Minimum lot area (square feet)	7,500
Minimum lot frontage (feet)	75
Minimum lot width (feet)	65
(2) Principal Building Siting	
Minimum principal building setbacks	
Front (feet)	25 or average setback ¹
Street side (corner lot)	50% of front yard depth of the lot abutting the rear lot line
Interior side (feet)	6
Rear (% of lot depth)	20% ²
(3) Accessory Building Siting	
Street side setback	Same as front yard depth of the lot abutting the rear lot line or 15 feet if the lots share a rear lot line.
Minimum interior side setback (feet)	4
Minimum rear setback (feet)	2
(4) Maximum Building Coverage	
All buildings, interior lots (% of lot area)	40%
All buildings, corner lots (% of lot area)	50%
Accessory buildings (% of rear yard area)	30%
(5) Maximum Building Height	
Principal building (stories/feet)	2.5/35 ³

Table 2-5

Two-Unit Houses in R2 District

Regulation	R2
Accessory building (feet)	15
(6) Minimum Facade Transparency	
Front (%)	15%
Street side (%)	10%

NOTES:

- 1 See also the average setback provisions in § 475-1502E(3).
- 2 Rear setback may not be less than 15 feet and is not required to exceed 30 feet.
- 3 Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least two feet for each foot of building height in excess of 35 feet.

§ 475-205 Backyard cottages.

- A. Description. A backyard cottage is a small accessory residential building or portion of such a building occupied by a single, self-contained accessory dwelling unit. Backyard cottages are located on the same lot as but not attached to a detached house. See also § 475-709K, Secondary suites.
- B. Where allowed. Backyard cottages are allowed in all R Districts but only on lots occupied solely by a detached house and with an approved conditional use permit per § 475-1105.
- C. Lot and building regulations. Backyard cottages are allowed in all R Districts, subject to compliance with the lot and building regulations of Table 2-6. All applicable building codes apply, including the Wisconsin Uniform Dwelling Code.

Table 2-6

Backyard Cottages

Regulation	R Districts
(1) Lot	
Minimum lot area (square feet)	
Minimum lot frontage (feet)	Same as required for detached house in the subject zoning district
Minimum lot width (feet)	
(2) Building Siting	
Minimum principal building setbacks	

Table 2-6

Backyard Cottages

Regulation	R Districts
Front	Permitted in rear yard only
Street side (corner lot)	Same as front yard depth of the lot abutting the rear lot line
Interior side (feet) (per side/total)	6
Separation from principal building (feet)	10
(3) Building Size	
Maximum building height (feet)	20 ¹
Maximum floor area (square feet)	700 ²

NOTES:

- 1 Or height of principal building, whichever is less.
 - 2 Building size may also be limited to applicable overall and rear yard building coverage limits.
- D. Zoning district regulations. Backyard cottages are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this chapter.
 - E. Number. No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite. (See § 475-709K.)
 - F. Parking. No additional parking is required for a backyard cottage. Any parking that is provided is subject to the same regulations that apply to the principal dwelling unit (detached house).
 - G. Building materials. Facade materials on the backyard cottage must match any major or minor materials from the principal structure.
 - H. Owner occupancy and rental. At least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling unit or the backyard cottage as their permanent residence for a majority of the time each calendar year.
 - I. Deed restriction. Prior to issuance of a permit establishing a backyard cottage, the owner of the subject property must file an affidavit with the Planning and Zoning Administrator and record a deed restriction stating that the owners of the subject property agree 1) to comply with the owner occupancy, rental and other applicable restrictions of this chapter; and 2) to notify all prospective purchasers of such requirements. The deed restriction runs with the land, is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the Planning and Zoning Administrator.

Proof of deed restriction recording must be provided to the Planning and Zoning Administrator before any building permits are issued for the backyard cottage.

§ 475-206 Civic buildings.

- A. Description. A civic building is a building occupied by a public or civic use (as defined in § 475-704).
- B. Where allowed. Civic buildings are allowed in all R Districts.
- C. Lot and building regulations. Civic buildings are subject to compliance with the lot and building regulations of Table 2-7.

Table 2-7

Civic Buildings in R Districts

Regulation	R1-75	R1-50	R2
(1) Lot			
Minimum lot area (square feet)	7,500	5,000	5,000
Minimum lot frontage (feet)	75	50	50
Minimum mean lot width (feet)	65	50	50
(2) Principal Building Siting			
Minimum principal building setbacks			
Front (feet)	30 or average setback ¹		
Street side (corner lot)	50% of front yard depth of the lot abutting the rear lot line		
Interior side (feet) (per side/total)	6/14	5/12	5/12
Rear (% of lot depth)	20% ²	20% ²	20% ²
(3) Accessory Building Siting			
Street side setback	Same as front yard depth of the lot abutting the rear lot line		
Minimum interior side setback (feet)	4	4	4
Minimum rear setback (feet)	2	2	2
(4) Maximum Building Coverage			
All buildings, interior lots (% of lot area)	40%	40%	40%
All buildings, corner lots (% of lot area)	50%	50%	50%

Table 2-7

Civic Buildings in R Districts

Regulation	R1-75	R1-50	R2
Accessory buildings (% of rear yard area)	30%	30%	30%
(5) Maximum Building Height			
Principal building (feet)	35 ³	35 ³	35 ³
Accessory building (feet)	15	15	15

NOTES:

- 1 See also the average setback provisions in § 475-1502E(3).
- 2 Rear setback may not be less than 15 feet and is not required to exceed 30 feet.
- 3 Buildings may be up to 75 feet in height if interior side setbacks are increased by at least two feet for each foot of building height in excess of 35 feet.

§ 475-207 Other applicable regulations.

Buildings and uses in R Districts are subject to all other applicable regulations of this chapter, including the following:

- A. Accessory uses and structures. See § 475-709.
- B. Parking, garages and driveways. See Article VIII.
- C. Landscaping and screening. See § 475-903.
- D. Signs. See Article X.
- E. Building design.
 - (1) General. All residential buildings must be placed on a permanent foundation and have a minimum facade width of 24 feet, as measured along the front and street sides of the building.
 - (2) Doors and windows.
 - (a) All new residential buildings and all residential buildings with additions of 50% or more in floor area and including additions or reconfigurations of the front facade must have at least one entrance door on a street-facing building facade and comply with applicable minimum transparency requirements.
 - (b) Existing window and door openings may be relocated or resized if such openings remain on the same building facade and overall facade transparency requirements are met.
 - (3) Temporary mobile storage units. See § 475-709H.
- F. Supplemental regulations for twinhouses.

- (1) Each twinhouse dwelling must be serviced by separate and independent sewer, water and electrical systems.
- (2) One twinhouse dwelling unit side wall shall be located along the zero setback lot line, and this wall shall be shared as a common or abutting wall with the abutting twinhouse dwelling unit.
- (3) Walls separating attached twinhouse dwelling units must have a minimum fire rating of one hour.
- (4) Each twinhouse dwelling lot must be paired with only one other lot.
- (5) A declaration of covenants, conditions and restrictions, or an agreement regarding maintenance and other matters, must, if any new lots are created, be submitted with the plat to the Plan Commission. Such declaration or agreement must be in such form as required by the Plan Commission and include at least provisions providing for the maintenance and repair of the common or abutting wall and for decoration and maintenance of the exterior, including the roof, of the attached twinhouse dwelling unit. The declaration or agreement must be recorded.
- (6) If any twinhouse is damaged or destroyed, any reconstruction or repair must comply with all applicable requirements of this chapter.
- (7) An application for approval of subdivision plat subdivision must be filed concurrently with the zoning permit application for construction of the attached twinhouse dwelling units if new lots are to be created. The subdivision plat may not be finally approved until construction of the twinhouse dwelling units has been completed.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

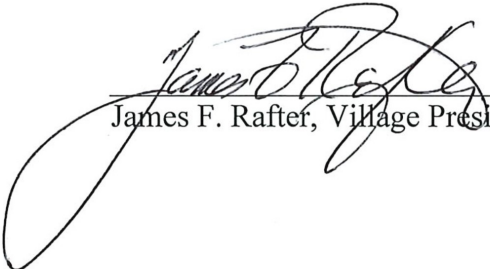
SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 16th day of July, 2024.

ATTEST:



Carrie Zittlow, Village Clerk-Treasurer



James F. Rafter, Village President