

**AGENDA**  
**CITY OF STURGEON BAY**  
**CITY PLAN COMMISSION**  
Wednesday, October 19, 2016  
7:00 p.m.  
Council Chambers, City Hall  
421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from September 21, 2016.
4. Zoning map amendment from Two-Family Residential (R-3) to Mixed Commercial-Residential (C-5), for Maser DC 1, LLC, for a vacant parcel located on Iowa Street, between N. 5<sup>th</sup> Avenue and N. 6<sup>th</sup> Avenue, parcel #281-10-85400101.
  - a. Presentation
  - b. Public Hearing
  - c. Consideration of *(Note: The Plan Commission will not make a recommendation at this meeting, unless a motion is made and passed by ¾ of the members present, to act on the request at this meeting.)*
5. Discussion of: Jefferson Street corridor rezoning to Mixed Commercial-Residential (C-5).
6. Discussion of: Zoning code amendment to allow accessory dwelling units.
7. Consideration of: Future meeting time.
8. Public comment on Plan Commission related items.
9. 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:

Rick Wiesner – Chair

Ron Vandertie

Mike Gilson

Jeff Norland

Robert Starr

Dennis Statz

Steven Hurley

10/14/16  
2:00 p.m.  
CN

**CITY PLAN COMMISSION**  
Wednesday, September 21, 2016

A meeting of the City Plan Commission was called to order at 7:00 p.m. by Chairperson Rick Wiesner in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members Rick Wiesner, Steven Hurley, Dennis Statz, Mike Gilson, Bob Starr, and Ron Vandertie were present. Excused: Member Jeff Norland. Also present were Planner/Zoning Administrator Ryan Kernosky, Community Development Director Marty Olejniczak, and Community Development Secretary Cheryl Nault.

**Adoption of agenda:** Moved by Mr. Starr, seconded by Mr. Statz to adopt the following agenda by removing Item #7:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from July 20, 2016.
4. Presentation of: Zoning map amendment from Two-Family Residential (R-3) to Mixed Commercial Residential (C-5), for Maser DC 1, LLC, for a vacant parcel located on Iowa Street, between N. 5<sup>th</sup> Avenue and N. 6<sup>th</sup> Avenue, parcel #281-10-85400101.
5. Consideration of: Zoning Code amendment relating to minimum roof pitch for dwellings.
6. Consideration of: Elimination of the Waterfront Design Review Code.
- ~~7. Consideration of: Sign code update.~~
8. Public comment on Plan Commission related items.
9. Adjourn.

Carried.

**Approval of minutes from July 20, 2016:** Moved by Mr. Gilson, seconded by Mr. Hurley to approve the minutes from July 20, 2016. All ayes. Carried.

**Presentation of: Zoning map amendment from Two-Family Residential (R-3) to Mixed Commercial Residential (C-5), for Maser DC 1, LLC, for a vacant parcel located on Iowa Street, between N. 5<sup>th</sup> Avenue and N. 6<sup>th</sup> Avenue, parcel #281-10-85400101:** Mr. Kernosky stated that Maser DC 1, LLC, represented by Peter Hurth and Elliot Goettelman, are petitioning to rezone a vacant parcel from R-3 to C-5. Baudhuin Inc. has relocated into the former Wellness Center located across the alley from the subject parcel. They are proposing to build a storage shed and parking on the vacant parcel. According to the zoning code, the only options would be to rezone the parcel, go through the PUD process, obtain a variance, or build a home with an accessory structure. Rezoning the property would be the only realistic option for that parcel.

Peter Hurth presented the request for rezoning. Maser DC 1, LLC owns the property that Baudhuin now occupies on the 2<sup>nd</sup> floor. They are currently looking for a tenant for the first floor. There are currently five parking stalls on site. They have two survey trucks and seven employees. Parking is an issue. Maser DC 1, LLC has put in an offer to purchase the vacant lot, owned by Elliot Goettelman. They would like to install a minimum of five stalls for their survey trucks and employees and free up the existing parking for future first floor tenants. They would also like to construct a storage facility to store their equipment for their surveying company. They are currently renting a large storage unit for their equipment and 4-wheeler.

Mr. Olejniczak added that the Aesthetic Design & Site Plan Review Board would have to review any permits for a storage facility and review the site plan for the property.

Mr. Starr wondered if in the future they would be able to add a couple of more parking spaces. He also suggested to do some landscaping on the property.

Mr. Hurth stated that Mr. Goettelman previously received a variance to construct a duplex on the lot, but did not go through with the project.

Mr. Olejniczak wondered if sometime in the future Maser DC 1, LLC sells the property and what would then happen to that parcel. Occasionally, the City had put conditions on limiting the uses of the property. C-5 zoning still allows residential uses.

Mr. Kernosky mentioned that the rezoning is for the storage building. The parking lot can be done anytime as long as it meets codes.

Mr. Hurley wondered if there was an option of combining the parcels. Mr. Hurth responded that it would be difficult with the alley located between the two parcels.

Mr. Olejniczak added that a public hearing will be held in October. The neighbors will be notified of the public hearing.

Mr. Vandertie asked that a landscaping plan be brought along to the public hearing.

**Consideration of: Zoning Code amendment relating to minimum roof pitch for dwellings:** Mr. Kernosky stated that previously it was brought up at Plan Commission to either remove or amending the zoning code as it relates to roof pitch minimum. A recommendation was sent to Council to retain the roof pitch minimum in the code, but if someone wanted a less than 4:12 pitch, they would have to go before the Aesthetic Design & Site Plan Review Board for their approval. A public hearing was held at Council and they voted to eliminate the roof pitch requirement all together. It was then sent back to Plan Commission with an amendment to the recommendation striking the roof pitch minimum completely from the Zoning Code. A recommendation would then go back to Council to either keep the 4:12 pitch, with the Aesthetic Design & Site Plan Review Board reviewing it, take the amendment from Council and recommend it back to Council, or just ignore it.

Mr. Wiesner stated that there are certain roof pitches we need to keep. At some point it could be eliminated. He would like to see the original recommendation that was sent to Council be sent back again. Mr. Starr agreed. If eliminated, neighbors have no input.

After further discussion, it was moved by Mr. Starr, seconded by Mr. Statz to recommend to Council to amend Section 20.07(7)(c) of the Municipal Code (Zoning Code) as follows:

(c) Have a roof with a minimum pitch of four feet in height for each 12 feet in width, unless a lesser pitch is approved by the Aesthetic Design & Site Plan Review Board.

All ayes. Carried.

**Consideration of: Elimination of the Waterfront Design Review Code:** Mr. Olejniczak explained that the City has several different design review ordinances affecting different parts of the City. Recently, an overall Aesthetic Design & Site Plan Review Code was adopted in

the ordinance, which involves the entire City except for single and two-family developments and the historic, industrial, and waterfront redevelopment districts that are governed by different codes. At that time there was discussion about combining some of these districts. There have recently been a couple of member openings on the Waterfront Design Review Board and it was felt to see if there was an interest in combining the WDRB and the Aesthetic Design & Site Plan Review Board. The Waterfront Redevelopment Authority asked that the City talk to the Boards and there was no major objection to it. The WRA passed a recommendation to Council to eliminate the Waterfront Design Review Code and in exchange go from a five member Aesthetic Design Board to a seven member board.

A short discussion took place. Moved by Mr. Vandertie, seconded by Mr. Statz to recommend to combine the Waterfront Design Review Code and Aesthetic Design & Site Plan Review Code with the addition that two additional members be added to the Aesthetic Design & Site Plan Review Board. All ayes. Carried.

**Public comment on Plan Commission related items:** Mr. Olejniczak mentioned that Doneff has not followed through with their conditional use application for the apartments. They questioned whether it was financially feasible for them to continue.

**Adjourn:** Moved by Mr. Starr, seconded by Mr. Hurley to adjourn. Carried. Meeting adjourned at 7:38 p.m.

Respectfully submitted,



Cheryl Nault  
Community Development Secretary

## EXECUTIVE SUMMARY

### Zoning Map Amendment for Maser DC 1, LLC R-3 (Two-Family Residential) to C-5 (Mixed Residential-Commercial)

**Background:** Maser DC 1, LLC (Pete Hurth, Agent) is petitioning to rezone a property currently owned by Elliot Goettleman from R-3 (Two-Family Residential) to C-5 (Mixed Residential-Commercial). The parcel is located off of Iowa Street, between N 5<sup>th</sup> Avenue and N 6<sup>th</sup> Avenue. It currently sits vacant and is .17 of an acre in size.

Maser DC 1, LLC intends to purchase the property from Mr. Goettleman and to construct a storage building and small parking lot. Baudhuin Inc has recently moved from their 3<sup>rd</sup> Avenue location to the former Wellness Center at 312 N 5<sup>th</sup> Avenue.

There was a house on the parcel until late 2012 when it was demolished by the owner.

**Current Zoning Restrictions:** The R-3 zoning district is "intended to provide a pleasant, suitable location primarily for two-family residences, or for a mixture of single-family, two-family, and three-unit or four-unit multiple-family residences." The R-3 zoning classification does allow for accessory structures, but only if there is a principal building on the lot. Because there is no principal building on the parcel, a stand-alone accessory structure would be prohibited.

**Proposed Zoning:** The C-5 zoning district is "intended for areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city where a continued mixture of residential and commercial uses are desirable. The uses permitted are those uses which are generally compatible in areas with a combination of both residential and commercial properties." A storage building for Baudhuin Inc would be considered an accessory use on the subject parcel to the principal structure located at 312 N 5<sup>th</sup> Ave.

#### **Surrounding Zoning and Uses:**

*North:* R-2, Single-Family Homes & Stand-Alone Garage

*South:* C-2 / C-5, Baudhuin Inc Offices, Residential

*East:* R-3 / C-2, Single-Family Homes, Commercial

*West:* R-3 / C-2 / C-5, Single-Family Homes

**Comprehensive Plan:** The Future Land Use Map within the Sturgeon Bay Comprehensive Plan identifies the subject parcel as a single-family residential - higher density and transitional commercial. Single-family residential – higher density is defined in our Comprehensive Plan "a residential area predominantly comprised of single-family homes at a density of up to 8 units per acre. Some two-family homes and small multiple-family dwellings may be interspersed within this area." Transitional commercial

is defined within our Comprehensive Plan as “[an] area intended to provide lower density and ‘neighborhood’ commercial uses proximate to residential areas. It also can provide transitions between commercial and residential uses or provide areas where a mixing of commercial and residential uses is deemed appropriate.”

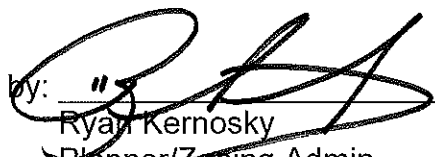
City staff feels as though this rezoning petition is not in conflict with the Comprehensive Plan.

**Other Considerations:** Staff feels it’s important to tie the subject parcel to the principal building located at 312 N 5<sup>th</sup> Ave (Baudhuin Inc’s office). There needs to be a restrictive covenant as a condition of this rezoning stating that, in the event one parcel is sold, that the other parcel is a part of that sale, unless the Iowa Street parcel is redeveloped with a principal use.

Any commercial building and parking lot placed on this lot would have to be reviewed and approved by the Aesthetic Design and Site Plan Review Board prior to building permits being issued.

**Staff Recommendation:** Staff is supportive of the proposed rezoning because the spirit of the C-5 zoning is to mix commercial and residential uses. Due to the odd shape and small lot size, it is unlikely a single-family or two-family home will be built on the parcel. Staff believes that a small parking lot and accessory use to Baudhuin Inc will not adversely impact the surrounding neighborhood.

Therefore, staff recommends approval of the R-3 to C-5 zoning change to the Council with the condition that a restrictive covenant is within the deed prior to building permits being issued.

Prepared by:   
Ryan Kernosky  
Planner/Zoning Admin

10/14/16  
Date

Reviewed by:   
Marty Olejniczak  
Community Development Director

10/14/16  
Date

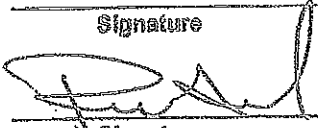
# CITY OF STURGEON BAY ZONING/REZONING APPLICATION

Date Received:	9-13-16
Fee Paid \$	
Received By:	

	APPLICANT/AGENT	LEGAL PROPERTY OWNER
Name	PETE HURTH	ELLIOT GAETTELMAN
Company	MASER DC 1 LLC	
Street Address	312 N. 5TH AVE	728 GERRIA ST
City/State/Zip	STURGEON BAY WI 54235	STURGEON BAY WI 54235
Daytime Telephone No.	920-495-9101	920-333-0323
Fax No.	phurthebandhuin.com	elliote@greendawndrafting.com
STREET ADDRESS OF SUBJECT PROPERTY: _____		
Location if not assigned a common address: VACANT LOT ON S. SIDE OF IOWA STREET BETWEEN 317 N. 6TH AVE & 332 N. 5TH AVE		
TAX PARCEL NUMBER: 281-10-85400101 R		
CURRENT ZONING CLASSIFICATION: R3		
CURRENT USE AND IMPROVEMENTS: VACANT LOT PREVIOUSLY A HOME THAT WAS TORN DOWN SEVERAL YEARS AGO		
ZONING DISTRICT REQUESTED: C-5 MIXED COMMERCIAL-RESIDENTIAL		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: TRANSITIONAL COMMERCIAL AND SINGLE FAMILY RESIDENTIAL-HIGHER DENSITY		
PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:		
North:	STAND ALONE 2 1/2 CAR GARAGE - SINGLE FAMILY RESIDENTIAL (HIGHER DENSITY)	
South:	TRANSITIONAL COMMERCIAL	
East:	SINGLE FAMILY RESIDENTIAL (HIGHER DENSITY)	
West:	TRANSITIONAL COMMERCIAL AND SINGLE FAMILY RESIDENTIAL (HIGHER DENSITY)	
ZONING AND USES OF ADJACENT SURROUNDING PROPERTIES:		
North:	R-2 - LOT WITH 2 1/2 CAR GARAGE (NO PRINCIPAL STRUCTURE)	
South:	C-2 - RESIDENTIAL PLUS OFFICE/RETAIL	
East:	R-3 - RESIDENTIAL	
West:	R-3, C-2, C-5 - RESID + OFFICE / CLINIC / PARKING LOT	

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? YES IF YES, EXPLAIN: LEDETTELMAN MULT. FAMILY

Attach a full legal description (preferably on disk), 8-1/2" X 11" location map, and Agreement for Reimbursement of expenses. SEE BELOW

<u>ELLIOT GOETTELMAN</u> Property Owner (Print Name)	<u>Elliott Goetzelman</u> Signature	<u>9.13.2016</u> Date
<u>PETE HURTH</u> Applicant/Agent (Print Name)	 Signature	<u>9/13/16</u> Date

I, \_\_\_\_\_, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

\_\_\_\_\_

Date of review meeting                      Applicant Signature                      Staff Signature

Attachments:  
 Procedure & Check List  
 Agreement For Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

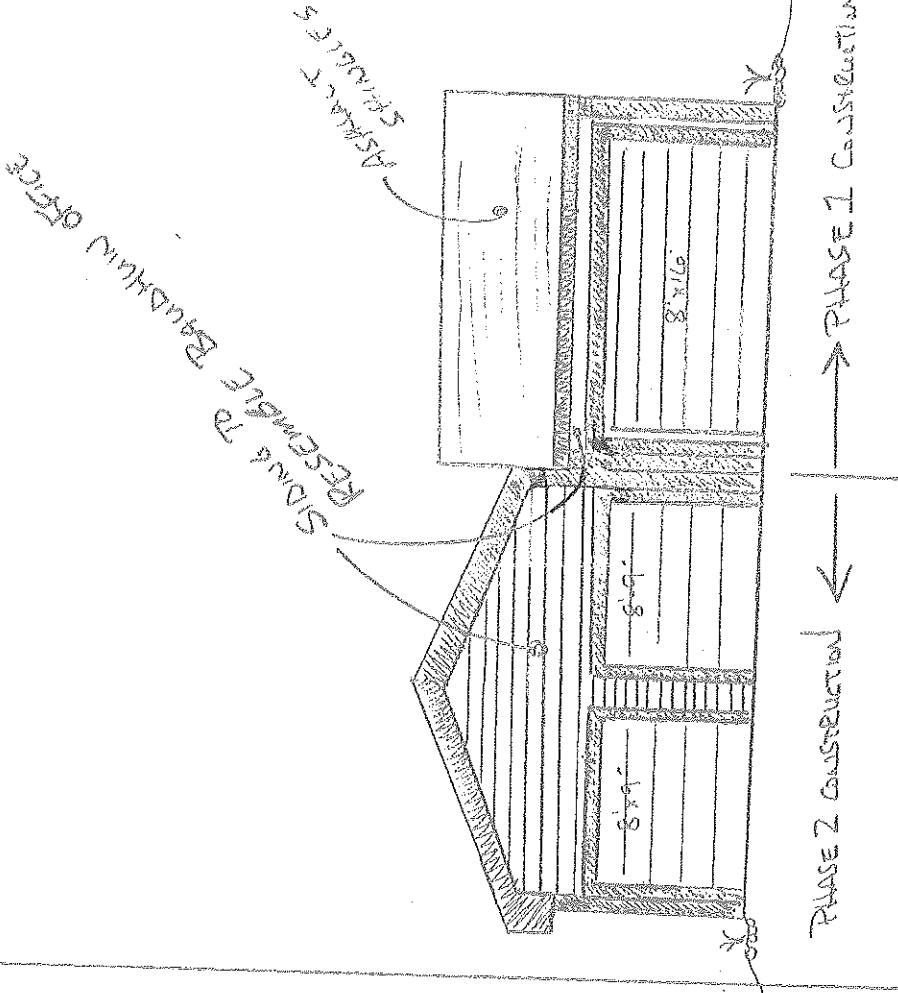
\_\_\_\_\_

Date    Community Development Director

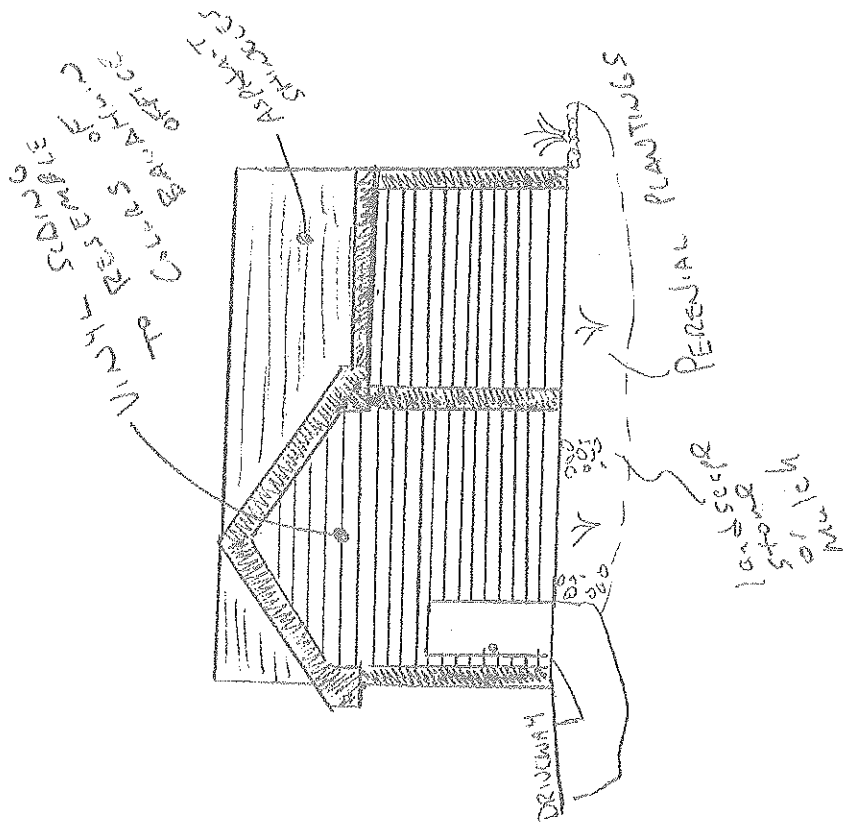
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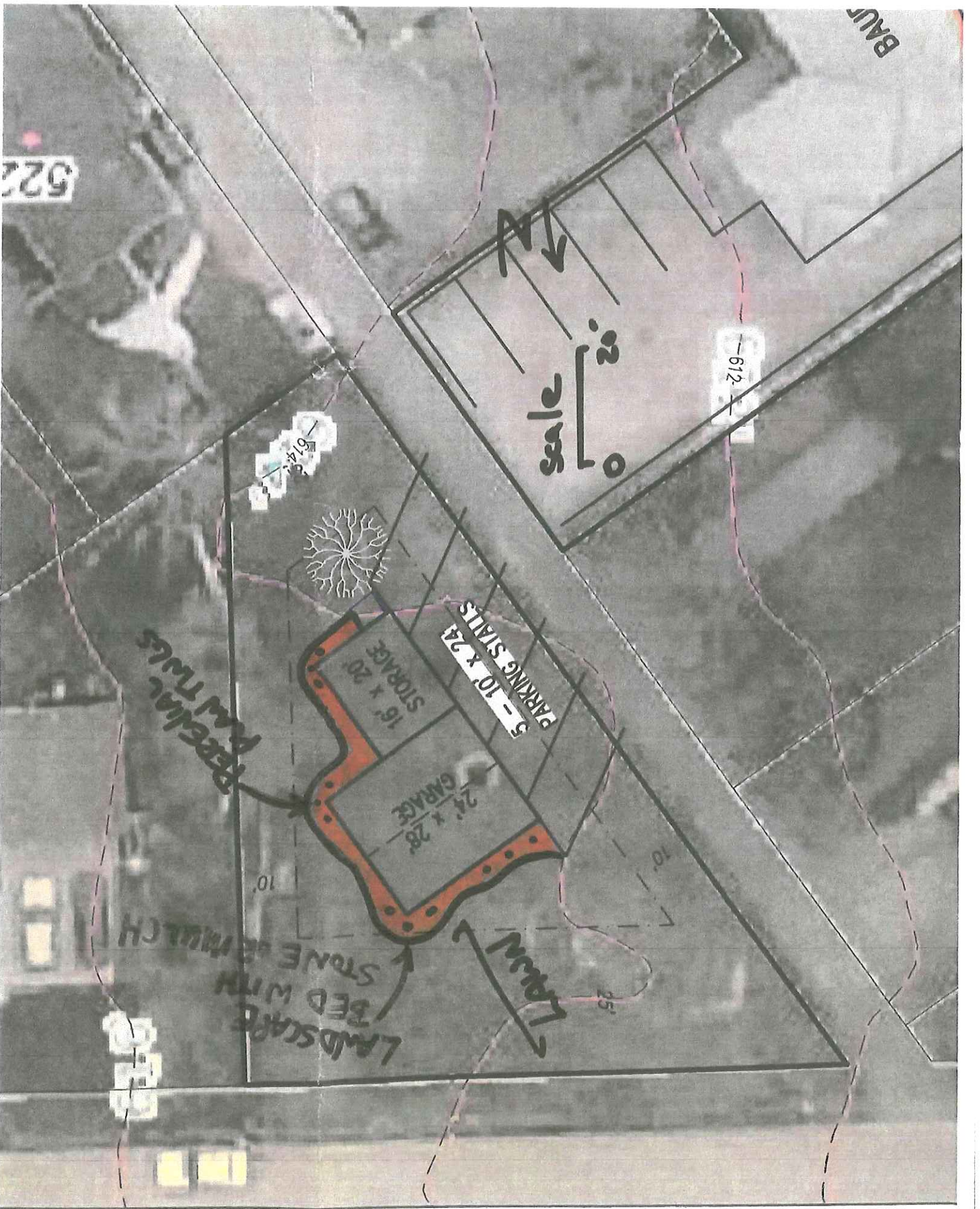


# WEST ELEVATION



# SOUTH ELEVATION





BAUR

522

612

614

Scale 1/2"

5 - 10' x 24'  
PARKING STRIPS

16' x 20'  
STORAGE

24' x 28'  
GARAGE

Specialty Palm Trees

Landscape Bed with Stone & Mulch

Lawn

10'

10'

25'

## PUBLIC HEARING NOTICE

The City of Sturgeon Bay Plan Commission will conduct a public hearing in the Council Chambers, 421 Michigan Street, Sturgeon Bay, Wisconsin on Wednesday, October 19, 2016, at 7:00 p.m. or shortly thereafter, for the purpose of considering a proposed zoning map amendment under Chapter 20 of the Sturgeon Bay Municipal Code (Zoning Code). The proposed amendment is requested by Maser DC 1, LLC (Pete Hurth & Elliot Goettelman, Agents), to rezone a vacant parcel from Two-Family Residential (R-3) to Mixed-Commercial Residential (C-5). The subject parcel is located on Iowa Street, between N. 5<sup>th</sup> Avenue and N. 6<sup>th</sup> Avenue, parcel #281-10-85400101. The application is on file with the Community Development Department, located at 421 Michigan Street, and can be viewed weekdays between 8:00 a.m. and 4:30 p.m. or online at [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org). The public is invited to give testimony in favor or against the proposed rezoning.

By order of:  
City of Sturgeon Bay Plan Commission



Rezoning Request  
Maser DC 1, LLC  
R-3 (Two-Family Res.) to C-5 (Mixed Res & Com.)



**Legend**  
[Yellow Box] Subject Parcel



# Subject Parcel



© 2015 Pictometry

Ryan J. Kernosky  
Planner/Zoning Administrator  
421 Michigan Street  
Sturgeon Bay, WI 54235



Phone: 920-746-2907  
Fax: 920-746-2905  
E-mail: rkernosky@sturgeonbaywi.org  
Website: www.sturgeonbaywi.org

# MEMO

To: City Plan Commission  
From: Ryan Kernosky, Planner & Zoning Administrator  
Date: October 13, 2016  
Subject: Jefferson Street Corridor Rezoning

City staff has been considering the option to begin a City initiated rezoning for the Jefferson Street corridor. Many of the parcels within the Jefferson Street corridor are zoned C-2, with a few properties that have been rezoned to C-5.

The C-5 zoning classification was adopted in 2006. From our zoning code, it is described as *intended for areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city where a continued mixture of residential and commercial uses are desirable.* This 'transitional commercial' type of land use is exactly what Jefferson Street is and what the spirit of the C-5 zoning classification allows for.

The current C-2 zoning isn't necessarily conducive to the uses along Jefferson Street. For example, if a business owner sold their commercially-used building to someone who intends to convert it back into a single-family dwelling, they would be unable to do so under the current C-2 zoning classification. This is because up to 50% of the total floor area could be used for residential purposes in the C-2 zoning district. The C-2 zoning district is intended to prohibit single-family homes in a downtown setting. If, for example, the same business owner sold their commercially-used building to someone who intends to convert it back into a single-family dwelling, under our C-5 zoning classification they would be permitted to do so.

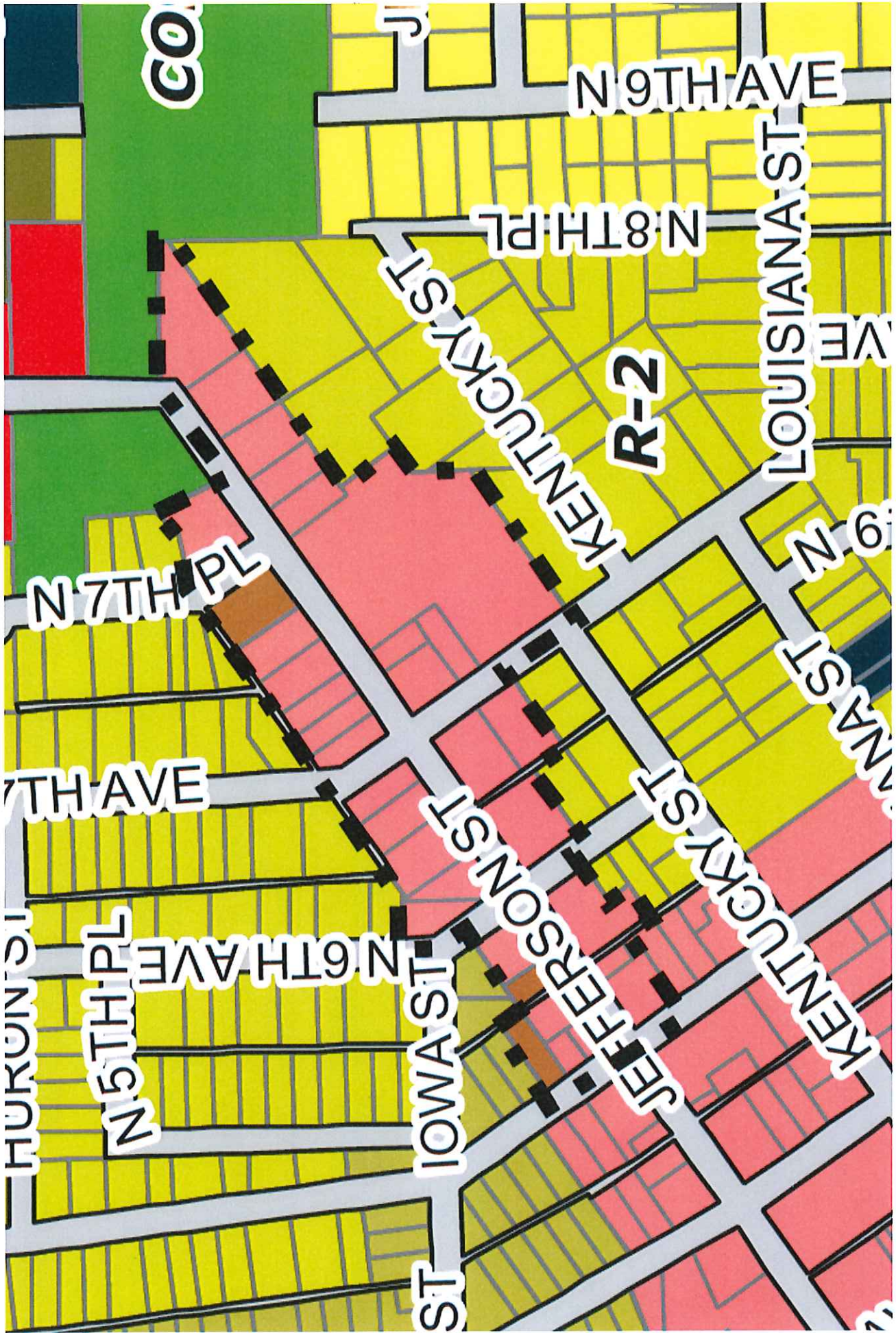
The C-5 zoning classification also allows for new construction of single-family, two-family, and multi-family dwelling units as a conditional use. This allows for Plan Commission to review conditional use permits to ensure that the integrity of the Jefferson Street corridor is retained.

The City Plan Commission in 2008 pursued this rezoning for the Jefferson Street corridor. At the time, staff held a neighborhood meeting on the potential rezoning. Of the property and business owners that were in attendance, the largest concerns had to do with parking and signage limitations. Within this packet are comparisons between the C-2 and C-5 zoning districts.

Staff is looking for discussion regarding this matter. If the Plan Commission wishes to continue reviewing rezoning applications on a permit basis, we will not hold a public meeting. However, if Plan Commission is interested in pursuing this matter, staff will hold a neighborhood meeting to gather feedback. We would then present the feedback to the Plan Commission at a later meeting.



City Zoning Map - Jefferson St Region



## General Comparison of the C-2 and C-5 Zoning Districts

	<u>C-2</u>	<u>C-5</u>
Uses:	See attached list of permitted and conditional uses.	
Minimum lot area (new lots):	6000 sq. ft.	7500 sq. ft.
Minimum street yard (setback)	15 feet	20 feet
Minimum side yard	5 feet	8 feet
Minimum rear yard	25 feet	25 feet
Max building height	45 feet	35 feet
<u>Off-Street Parking</u>		
- Required # spaces	None required, except for residential & lodging uses	50% -uses in existing bldgs 100% - uses in new buildings
- Option for payment in lieu of parking	Yes	Yes
- Collective parking areas	Each space counts as 1 space	Each space counts as 1.5 spaces
<u>Signs</u>		
Max size ground sign	100 sq. ft.	25 sq. ft.
Max height ground sign	20 feet	8 feet
Max size projecting sign	24 sq. ft.	16 sq. ft.
Max size wall sign	1 sq. ft. per each lineal foot of the wall	1 sq. ft. per each lineal foot of the wall
Lighting of signs	No restrictions	Must meet certain requirements

Note: This chart is not intended to show all the zoning requirements for the C-2 and C-5 districts, just the main differences. The full zoning code (Chapter 20 of the Municipal Code) can be viewed online at [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org) or at the Community Development Department.



20.15 - Use regulations for C-2 district.

The C-2 district is intended for the central business district on both the east and west sides of the city. It is intended to provide development and redevelopment opportunities consistent with the historic development pattern of the areas. Targeted uses shall be those commercial uses which do not detract from this area because of noise, smoke, odors, or disruption of traffic patterns.

(1) Permitted uses are:

- (a) Any use listed as a permitted use in the C-1 district, except gasoline service stations; automobile repair establishments; automobile, recreational vehicle or farm implement sales lots; commercial storage facilities; and lumber and building supply yards.
- (b) Residential use, provided such use covers not more than 50 percent of the combined floor area of all principal buildings within the lot.

(2) Conditional uses are:

- (a) Communication towers.
- (b) Colleges and vocational schools.
- (c) Public utilities.
- (d) Multiple-family dwellings.
- (e) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however, that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.
- (f) Hospitals.
- (g) Water-related uses such as marinas, launch ramps, charter boating or fishing and ferry terminals.
- (h) Gasoline service stations.
- (i) Automobile repair establishments.
- (j) Automobile or recreational vehicle sales lots.
- (k) Commercial establishments with drive-through facilities.
- (l) Bed and breakfast establishments, provided the facility is licensed by the Wisconsin Department of Health and Social Services.
- (m) Commercial housing facilities.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1099-0603, § 4, 6-17-03; Ord. No. 1118-0104, § 4, 1-6-04; Ord. No. 1144-0305, § 4, 3-15-05; Ord. No. 1277-0612, § 1, 6-19-12)

20.175 - Use regulations for C-5 district.

The C-5 district is intended for areas of the city where residential properties are converting to commercial uses or vice versa, especially areas where it is desired to maintain the existing buildings or architectural character of the neighborhood. It is also intended for areas of the city where a continued mixture of residential and commercial uses are desirable. The uses permitted are those uses which are generally compatible in areas with a combination of both residential and commercial properties.

(1) *Permitted uses are:*

- (a) Single-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.
- (b) Two-family dwellings established within an existing building, including repairs/reconstruction of such dwellings and additions up to 50 percent of the original floor area.
- (c) Any use listed as a permitted use in the C-2 district, except bus depots and those uses listed separately as conditional uses under subsection (2). Such uses shall only occupy an existing building or occupy a new building with a building footprint not exceeding 3,000 square feet.

(2) *Conditional uses are:*

- (a) New single-family dwellings.
- (b) New two-family dwellings.
- (c) Additions to existing dwellings that exceed 50 percent of the original floor area.
- (d) Multiple-family dwellings.
- (e) Uses listed under subsection (1)(c) that are located within a new building with a building footprint that is 3,000 square feet or larger.
- (f) Restaurants and taverns.
- (g) Hotels and motels.
- (h) Parking lots.
- (i) Rest homes.
- (j) Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.
- (k) Public utilities.
- (l) Massage parlors.
- (m) Liquor stores.
- (n) Payday lending institutions.
- (o) Pawn shops.

Martin Olejniczak, AICP  
Community Development Director  
421 Michigan Street  
Sturgeon Bay, WI 54235



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Fax: 920-746-2905  
E-mail: [molejniczak@sturgeonbaywi.org](mailto:molejniczak@sturgeonbaywi.org)  
Website: [www.sturgeonbaywi.org](http://www.sturgeonbaywi.org)

# MEMO

**To:** City Plan Commission  
**From:** Marty Olejniczak, Community Development Director *MO*  
**Date:** October 14, 2016  
**Subject:** Accessory Dwelling Units

An accessory dwelling unit is a smaller secondary unit in addition to the principal dwelling on the lot. These are often referred to as “granny flats” or “mother-in-law apartments.” The extra unit can either be a stand-alone structure or be incorporated into the principal dwelling. In Door County, such units often serve as guest quarters.

Currently, the City of Sturgeon Bay zoning code does not allow accessory dwelling units, unless such situation is zoned for and complies with the standards for a two-family dwelling. Having two separate buildings with single-family dwelling use is only allowed through a Planned Unit Development. From time to time the city receives inquiries from property owners about adding guest houses or converting accessory structures to extra living quarters. Therefore, staff is seeking direction from the Plan Commission whether changes to the code should be considered for accessory dwelling units.

Nationally, ADU’s have gained favor as a means of increasing the supply of affordable housing, both for the tenant and the primary homeowner. They are also touted as a means of addressing the aging population, by allowing elderly family members to live in an independent unit, but next to the rest of the family.

Door County considered this issue a few years ago and amended its zoning code in 2011 to permit this use (they call it secondary dwelling units) in all single-family residential districts. The county planner reports that there has not been any significant opposition to the new use and there have not been problems so far. Approximately ¾ of the secondary dwelling units are in detached buildings and about a quarter are attached to the main dwelling (either through an addition or dividing up the original house). The requirements that Door County uses are attached.

Also attached are a couple of other examples of rules for ADU’s. The Plan Commission should consider the materials and be prepared to discuss this issue. Ultimately, staff would like to know whether further work should be done such as drafting options for Sturgeon Bay. No changes can be done without Plan Commission input and a public hearing.



## Door County Zoning Ordinance

Secondary Dwelling Unit requirements. (Added: 4 April 2011)

- (a) Secondary dwelling units shall be subject to the regulations herein and shall not be regulated as multiple occupancy developments.
- (b) Not more than one secondary dwelling unit per single family residence shall be permitted.
- (c) Secondary dwelling units may be attached to or detached from the single family residence.
- (d) Lot requirements. A secondary dwelling unit may be allowed on any parcel meeting the minimum lot size requirements of s.3.02(3), table of district requirements, or s.3.04(5), lots created prior to the effective date of this ordinance.
- (e) For all secondary dwelling units, the setbacks and minimum yards shall be as required for principal structures. (Amended: 17 April 2012; Ord. No.2012-14)
- (f) Secondary dwelling units shall not exceed 749 square feet in floor area.
- (g) A minimum of one off-street parking space per secondary dwelling unit shall be provided.
- (h) Detached secondary dwelling units shall be subject to the following sections of 3.12, Accessory structures, as applicable: (Amended: 24 March 2015; Ord.2015-02)
  - (5), (6) (a), (6) (b) 1, (6) (b) 2 (a), (6) (b) 2 (b), (6) (b) 2 (h),
  - (7) (a) and (7) (c).
- (i) No secondary dwelling unit shall be rented for a period of less than 30 consecutive days. A restrictive agreement shall be recorded to this effect.
- (j) Secondary dwelling units may not be conveyed or separated in ownership from the single family residence, unless the Door County Planning Department approves, per ordinances in effect at that time. A restrictive agreement shall be recorded to this effect.

## Traverse City, MI

The following uses of land and buildings, together with accessory uses, are allowed in the Single-Family districts:

- Accessory Dwelling Units meeting the following requirements:

The intent of this section is to:

- (a) Preserve and maintain the character of predominately single-family residential neighborhoods while broadening housing choices.
- (b) Have owner-occupancy to provide the necessary on-site supervision that enhances maintenance and the preservation of the character of the City's single-family neighborhoods.
- (c) Prevent disruption in the stability of the single-family neighborhoods, speculation and absentee ownership.
- (d) Diversify housing options and create more affordable housing within existing single-family neighborhoods.
- (e) Enhance neighborhood stability by providing extra income that potentially could allow homeowners to live in their houses longer and maintain their property better.
- (f) Provide homeowners with a means of accommodating extended families, companionship, security, or services through tenants in either the accessory dwelling unit or principal dwelling.

- (1) The existing site and use are substantially in compliance with this Zoning Code.
- (2) There shall be a maximum limit of 10 newly registered accessory dwelling units per calendar year.
- (3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
- (4) Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
- (5) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exteriors appear to be single-family.
- (6) Accessory dwelling units must meet the following additional requirements:
  - a. *Location of entrances.* Only 1 entrance may be located on the façade of the primary dwelling facing the street, unless the primary 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.
  - b. *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.

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- (7) Individual site plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit.
- (8) The accessory dwelling unit incorporated in the principal dwelling may be no more than 800 square feet or the size of the principal dwelling, whichever is less. A unit in an accessory building may not exceed 800 square feet and must meet all the requirements of [Section 1332.07](#). The accessory dwelling unit must have at least 250 square feet of gross floor area.
- (9) At least 1 owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a principal residence tax exemption.
- (10) The accessory dwelling unit shall be registered with the City Clerk's office.
- (11) The accessory dwelling unit shall not be leased for a period of less than 3 months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease.
- (12) Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.

## Eagan, MN - Accessory Dwelling Unit Registration

An Accessory Dwelling Unit (ADU), also known as a "granny flat" or "mother-in-law apartment," is a self-contained living unit that can be located within the walls of an existing or newly constructed single-family home.

The City of Eagan permits the registration of Accessory Dwelling Units, as long as units comply with the following standards:

- ADUs must be located in R-1 or Estate Zoning.
- An ADU shall be located within or attached to the primary residence.
- The total number of residents in the ADU shall not exceed 2 persons. The ADU shall not contain more than 2 bedrooms.
- ADU registrations are to be filed with the City Clerk, to be in effect for a 12 month period and renewed annually.
- The property owner of record must reside in the primary residence or the ADU as their permanent and legal address.
- An ADU must not be subdivided or otherwise segregated in ownership from the primary residence.
- An ADU's total floor area shall be no less than 300 square feet and no more than 960 square feet, or 33% of the primary residence's footprint, whichever is less.
- No ADU shall be permitted if the building coverage on the lot exceeds or will exceed 20%.
- Two off-street parking spaces shall be required for the ADU, in addition to two off-street parking spaces required for the primary residence.
- Building, Plumbing, Mechanical and/or Electrical Permits may be required for alterations to your home. Please contact Building Inspections at (651) 675-5675 if you have any questions. Smoke detectors are required in all sleeping rooms and Carbon Monoxide detectors are required within 10 feet of sleeping rooms.