

ENROLLED ORDINANCE 179-26

APPROVE TOWN OF EAGLE ORDINANCE NO. 2024-01 THAT REPEALS AND RECREATES SECTIONS 500.557 AND 500.567 OF THE TOWN OF EAGLE ZONING CODE RELATING TO ACCESSORY BUILDING SIZE LIMITATIONS (RZ147)

WHEREAS, after proper notice was given, a public hearing was held, and the subject matter of this Ordinance was approved by the Eagle Town Board on March 4, 2024; and

WHEREAS, the Town of Eagle Ordinance No. 2024-01 repeals and recreates Sections 500.557 and 500.567 of the Town of Eagle Zoning Code relating to accessory building size limitations; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Eagle Ordinance No. 2024-01 which repeals and recreates Sections 500.557 and 500.567 of the Town of Eagle Zoning Code relating to accessory building size limitations, as more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference, is hereby approved.

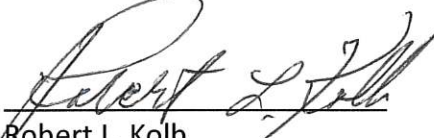
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Eagle.

APPROVE TOWN OF EAGLE ORDINANCE NO. 2024-01 THAT REPEALS AND RECREATES SECTIONS
500.557 AND 500.567 OF THE TOWN OF EAGLE ZONING CODE RELATING TO ACCESSORY
BUILDING SIZE LIMITATIONS (RZ147)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair


Wayne Euclide


Robert L. Kolb

Absent

Johnny Koremenos


Brian Meier



Richard Morris


Steve Styza

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date:

7/29/2024


Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date:

7/29/24


Paul Farrow, County Executive

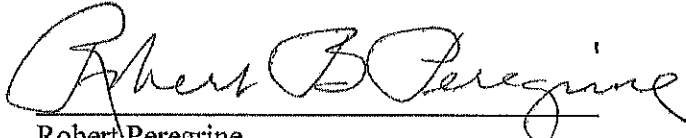
COMMISSION ACTION

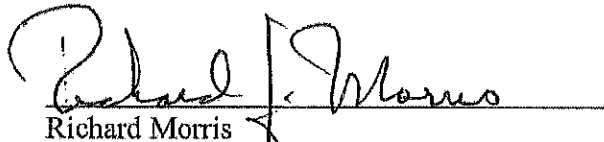
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends **approval** of **RZ147 (Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

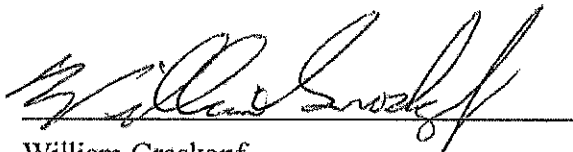
PARK AND PLANNING COMMISSION

June 20, 2024

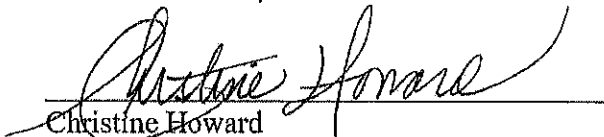

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO: RZ147
TAX KEY NUMBER: N/A
DATE: June 20, 2024
NAME OF PETITIONER: Town Board of Eagle
Eagle Town Hall
P.O. Box 327
820 East Main Street
Eagle, WI 53119

NATURE OF REQUEST:

Repeal and recreate Sections 500.557 and 500.567 of the Town of Eagle Zoning Code relating to accessory building size limitations.

PUBLIC HEARING DATE:

March 4, 2024

PUBLIC REACTION:

One person noted concerns regarding hazardous waste, distance requirements to neighboring homes, use of accessory buildings and visibility of accessory buildings.

TOWN PLAN COMMISSION ACTION:

At their meeting of March 4, 2024, the Town of Eagle Plan Commission recommended approval of the proposed text amendments with minor amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting of March 4, 2024, the Town of Eagle Board unanimously approved the proposed text amendments to Town of Eagle Zoning Code.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:

The subject request is a detailed zoning matter not specifically addressed by either plan.

STAFF ANALYSIS:

The Town of Eagle is proposing amendments to the town zoning code to modify accessory building size parameters. Appendix C of the zoning code is proposed to state that maximum detached garage size is subject to the maximum building coverage limits (see Exhibit A). This is a change from the current stated maximum accessory building space of 3% or 5% of a lot's area, depending upon the specific zoning district. The overall maximum building coverage limits will stay unchanged at either 10% or 15%.

In many cases, it is expected that this change will allow for more accessory building size on properties. Minor text changes are being proposed to clarify that residential garages are subject to the residential accessory building standards of the code.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of this request. The text amendments are minor in nature and will provide additional flexibility to property owners with regards to detached buildings, and overall building coverage limits will remain in place to ensure consistency.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2024-01
Exhibit A

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RECEIVED
05/11/24
DEPT OF
PARKS & LAND
USE

STATE OF WISCONSIN TOWN OF EAGLE WAUKESHA COUNTY

ORDINANCE 2024-01

AN ORDINANCE TO AMEND APPENDIX C OF THE ZONING REGULATIONS

WHEREAS, the Town Board of the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 pursuant to sections 60.62(1), 61.35, and 62.23(7)(d)(2) of the Wisconsin Statutes and has adopted amendments and recodifications of such zoning code from time to time since then; and

WHEREAS, Town Staff have recommended that the Town Board consider adoption of an ordinance to clarify certain provisions of the zoning code pertaining to detached residential garages as set forth in this Ordinance; and

WHEREAS, the Town Board for the Town of Eagle has (1) referred the matter to the Planning and Zoning Commission; (2) notified the Waukesha County Park and Planning Commission of the proposed amendment; and (3) previously conducted a joint public hearing with the Planning and Zoning Commission on March 4, 2024; and

WHEREAS, upon due notice the Town Board and the Planning and Zoning Commission conducted a joint public hearing on March 4, 2024; and

WHEREAS, the Planning and Zoning Commission recommended conditional approval of the proposed ordinance for zoning code revision subject to addressing concerns identified at the March 4, 2024 public hearing; and

WHEREAS, the on March 4, 2024 the Town Board adopted the Planning and Zoning Commission's recommendation and conditionally approved the proposed ordinance for zoning code revision subject to addressing concerns identified by the Planning and Zoning Commission at the March 4, 2024 public hearing; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations do not constitute a down zoning ordinance because they do not decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Planning and Zoning Commission and the subsequent revisions to the proposed ordinance based on such recommendations and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use

of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

Section 1. Chapter 500 of the Town of Eagle Zoning Code entitled, "Town Zoning," Section 500.557 entitled, "Floor Area," is hereby repealed and recreated to read as follows:

§500.557 Floor area

(A) Minimum residential living area. A building intended in whole or part for residential purposes shall provide a minimum floor area as specified in Appendix C. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. In a split level building the first floor level shall include all areas which are not over another living area of the building. The following areas are not counted as floor area for the purpose of this section: basements or attics not used for living purposes, attached garages, unenclosed porches, stoops, any space where the floor-to-ceiling height is less than 7 feet, and similar features.

(B) Limitations on floor area of residential garages. The floor area of residential garages shall comply with the standards in Appendix C for attached and detached garages as applicable. Per Appendix B, Section 18.02, detached residential garages are an "accessory building-residential" and shall be subject to all applicable standards for accessory buildings in Appendix C.

Section 2. Chapter 500 of the Town of Eagle Zoning Code entitled, "Town Zoning," Section 500.567 entitled, "Number of Accessory Buildings on Lot," Subsection A entitled, "Generally," Subsection 1 is hereby created to read as follows:

(1) Detached residential garages shall be counted and considered as accessory buildings for purposes of the maximum number of accessory buildings allowed on a lot in compliance with the requirements set forth in Appendix C.

Section 3. Appendix C to Chapter 500 of the Town of Eagle Code of Ordinances is repealed and recreated to read as set forth in Exhibit 1 attached hereto and incorporated into this Ordinance by reference.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval by the Waukesha County Board of Supervisors.

Section 6. This ordinance shall take effect upon passage and publication as required by law immediately upon the approval of the Waukesha County Board of Supervisors as required by Section 60.62(3) of the Wisconsin Statutes.

Adopted by a vote in favor by majority vote of the members-elect of the Town Board, or more, this 6th day of May, 2024.

Town of Eagle


Chris Mommaerts, Town Chairperson

ATTEST:


Mercia Christian, Town Clerk/Treasurer

Published and posted this ___ day of _____, 2024

Exhibit 1

Appendix C: Dimensional standards for lots

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Lot Frontage	Minimum Residential Living Area (1)	Maximum Residential Garage Area	Maximum Building Coverage	Building Height Maximum (2)	Minimum Setback (3,11,12)	Minimum Object (4,5,12)	Maximum Number of Accessory Buildings (6)	Maximum Land Disturbance
Public (P-1) District	40,000 sq. ft.	150 ft.	33 ft.	s. 500.555 s. 500.557(A)	s. 500.557(B)	30 percent	Principal: 35 ft. Accessory: 20 ft. (7)	s. 500.560 50 ft.	s. 500.561 50 ft.	s. 500.57 Not applicable	s. 500.568 Not applicable
Quarry (Q-1) District	10 ac.	Not applicable	200 ft.	--	--	5 percent	Principal: 35 ft. Accessory: 60 ft.	See s. 500.663	See s. 500.663	Not applicable	Not applicable
Conservancy (C-1) District	--	Not applicable	33 ft.	--	--	--	--	--	--	Not applicable	Not applicable
Upland Conservancy (UC) District	3 ac.	Less than 6 acres: 200 ft. 6 acres or more: 300 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor.	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: Subject to maximum building coverage limits in s. 500.558	10 percent	Principal: 35 ft. Accessory: 18 ft. (7)	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	2, plus a minor shed not exceeding 150 sf	See s. 500.568
Agricultural Land Preservation (AP) District	35 ac. subject to s. 500.552(G)	600 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor.	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: Subject to maximum building coverage limits in s. 500.558	10 percent	Nonfarm Principal: 35 ft. Nonfarm Accessory: 18 ft. Farm Principal & Accessory: 60 ft. (7)	50 ft.	50 ft.	Not applicable	Not applicable
Rural Residential (RR) District	3 ac.	200 ft.	33 ft.	Single family: 1,500 sf with at least 800 sf on first floor; Duplex: 850 sf per unit	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: Subject to maximum building coverage limits in s. 500.558	15 percent	Principal: 35 ft. Accessory nonfarm: 18 ft. (7) Accessory farm: 60 ft.	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	Less than 35 acres; 2, plus a minor shed not exceeding 150 sf (8) 35 acres or more: 2, plus a minor shed not exceeding 150 sf, no restriction on farm buildings	Not applicable
Residential (R-1) District	1 ac.	Corner lot: 180 ft. Other lots: 150 ft.	33 ft.	Single family: 1,200 sf with at least 720 sf on first floor; Duplex: 850 sf per unit; Multi-family: 600 sf for one bedroom; 700 sf for two-bedroom; 800 sf for three-bedroom; 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: Subject to maximum building coverage limits in s. 500.558	10 percent	Principal: 35 ft. Accessory: 18 ft. (7)	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	20 ft.	2, plus a minor shed not exceeding 150 sf	Not applicable
Neighborhood Business (B-1) District	20,000 sq. ft.	Corner lot: 160 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom; 800 sf for two-bedroom; 900 sf for three-bedroom; plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Local Business (B-2) District	30,000 sq. ft.	Corner lot: 160 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom; 700 sf for two-bedroom; 800 sf for three-bedroom; 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Mixed Business (B-4) District	40,000 sq. ft.	Corner lot: 160 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	20 ft.	Not applicable	Not applicable
Limited Industrial (M-1) District	1 ac.	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 45 ft. Accessory: 45 ft.	50 ft.	10 ft.	Not applicable	Not applicable
General Industrial (M-2) District	1 ac.	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	60 percent	Principal: 60 ft. Accessory: 60 ft.	50 ft. (10)	10 ft.	Not applicable	Not applicable

Notes:

1. Both of the required floor areas shall be increased by 200 square feet for any building not having a basement with a floor area of at least 300 square feet.
2. An institutional building (e.g., governmental office, or school) may exceed the height limitation established for the zoning district, up to a maximum height of 50 feet, provided the minimum required setbacks and offsets are increased one foot for each additional foot of height in excess of the permitted maximum of that district.
3. In certain circumstances, the minimum setback may be less than what is stated if setback averaging applies. See s. 550.560(C) for applicable standards.
4. Where a lot abuts a zoning district boundary line, the offset shall be measured from the boundary line, or the corner of the lot, or the corner of the lot, whichever is greater.
5. In the case of a detached accessory building on a lot of 150 square feet or less, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided. However, no offset shall in any case be less than 10 feet, except offsets for detached accessory buildings on lots of 100 feet in width or less may be reduced to 5 feet.
6. Any bathroom or any accessory building less than 150 square feet in floor area shall not be counted with regard to the maximum number of accessory buildings. Examples of accessory buildings include boathouses, greenhouses, sheds, and detached garages.
7. Pursuant to the procedures and requirements contained in article 5 of this code, the plan commission may grant a special exception to exceed the stated maximum height provided the setback is increased one foot for each additional foot in height up to a maximum of 10 additional feet. The plan commission may require screening to break up the view of the accessory building from adjacent properties or from a public road.
8. Pursuant to the procedures and requirements contained in article 6 of this code, the plan commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
9. Pursuant to the procedures and requirements contained in article 6 of this code, the plan commission may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
10. When property directly across the road of the subject property is in a special, agricultural, or residential zoning district, the setback shall be 100 feet.
11. The minimum setback may be more than what is stated if ch. 1 rules 233, Wis. Admin. Code applies.
12. In the event a parcel does not front on a public road, the Town Board with a recommendation of the Plan Commission, may upon petition review the nature of the lot to determine if there should be a front yard, and/or how the other yards should be so designated for the purposes of this code. In making such determination, the following factors should be considered: (1) size of the property; (2) the nature of the use to be regulated by the yard designations; (3) proximity of the lot to the road along with the type of road (main, private, Town, etc.); (4) size and zoning of surrounding properties; (5) visibility to the neighbors and the road; (6) preservation of the rural character and natural resources of the Town; and (7) available alternatives for the purpose proposed.

Amendment(s): Revised by Ordinance 2021-03, 2023-01

EXHIBIT A

Appendix C. Dimensional standards for lots

Zoning District Section in Code	Minimum Lot Area	Lot Density	Minimum Lot Width	Minimum Lot Frontage	Minimum Residential Living Area [1]	Maximum Residential Garage Area	Maximum Building Coverage	Building Height Maximum [2]	Minimum Setback [3,11,12]	Minimum Onset [4,5,12]	Maximum Number of Accessory Buildings [6]	Maximum Land Disturbance
Public (P-1) District	40,000 sq. ft.	Not applicable	150 ft.	33 ft.	s. 500.556 s. 500.557(A)	--	30 percent	Principal: 35 ft. Accessory: 20 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Quarry (Q-1) District	10 ac.	Not applicable	200 ft.	33 ft.	--	--	5 percent	Principal: 35 ft. Accessory: 60 ft.	See s. 500.663	See s. 500.663	Not applicable	Not applicable
Conservancy (C-1) District	--	Not applicable	--	33 ft.	--	--	--	--	--	--	Not applicable	Not applicable
Upland Conservancy (UC) District	3 ac.	1 du per 5 acres	Less than 6 acres: 200 ft. 6 acres or more: .300 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: 4-percent-of-lot-area-Subject to maximum building coverage limits in s. 500.558	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	2, plus a minor shed not exceeding 150 sf	See s. 500.568
Agricultural Land Preservation (AP) District	35 ac. subject to s. 500.552(G)	Not applicable	600 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: 3-percent-of-lot-area-Subject to maximum building coverage limits in s. 500.558.	10 percent	Nonfarm Principal: 35 ft. Nonfarm Accessory: 18 ft. Farm Principal & Accessory: 60 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Rural Residential (RR) District	3 ac.	1 du per 3 acres	200 ft.	33 ft.	Single family: 1,500 sf with at least 900 sf on first floor; Duplex: 850 sf per unit	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: 5-percent-of-lot-area-Subject to maximum building coverage limits in s. 500.558.	15 percent	Principal: 35 ft. Accessory nontarm: 18 ft. [7] Accessory farm: 60 ft.	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	Less than 35 acres: 2 plus a minor shed not exceeding 150 sf [8] 35 acres or more: 2 plus a minor shed not exceeding 150 sf, no restriction on farm buildings	Not applicable
Residential (R-1) District	1 ac.	1 du per acre	Corner lot: 180 ft. Other lots: 150 ft.	33 ft.	Single family: 1,200 sf with at least 720 sf on first floor; Duplex: 850 sf per unit; Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	Attached Residential Garage: 60 percent of floor area of residence Detached Residential Garage: 3-percent-of-lot-area-Subject to maximum building coverage limits in s. 500.558.	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	20 ft.	2, plus a minor shed not exceeding 150 sf	Not applicable
Neighborhood Business (B-1) District	20,000 sq. ft.	Not applicable	Corner lot: 160 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Local Business (B-2) District	30,000 sq. ft.	Not applicable	Corner lot: 160 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Mixed business (B-4) District	40,000 sq. ft.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	20 ft.	Not applicable	Not applicable
Limited Industrial (M-1) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 45 ft. Accessory: 45 ft.	50 ft.	10 ft.	Not applicable	Not applicable
General Industrial (M-2) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	60 percent	Principal: 60 ft. Accessory: 60 ft.	50 ft. [10]	10 ft.	Not applicable	Not applicable

Notes:

EXHIBIT A

1. Both of the required floor areas shall be increased by 200 square feet for any building not having a basement with a floor area of at least 300 square feet.
2. An institutional building (e.g., governmental office, or school) may exceed the height limitation established for the zoning district, up to a maximum height of 50 feet, provided the minimum required setbacks and offsets are increased one foot for each additional foot of height in excess of the permitted maximum of that district.
3. In certain circumstances, the minimum setback may be less than what is stated if setback averaging applies. See s. 550.560(C) for applicable standards.
4. Where a lot abuts a zoning district boundary line, the offset shall be the offset as specified for the district, or the offset of the other district, whichever is greater.
5. If a lot of record has a minimum average width less than that required, the offset from a side of the lot may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided. However, no offset shall in any case be less than 10 feet, except offsets for detached accessory buildings on lots of 100 feet in width or less may be reduced to 5 feet.
6. Any boathouse or any accessory building less than 150 square feet in floor area shall not be counted with regard to the maximum number of accessory buildings. Examples of accessory buildings include boathouses, greenhouses, sheds, and detached garages.
7. Pursuant to the procedures and requirements contained in article 6 of this code, the plan commission may grant a special exception to exceed the stated maximum height provided the setback is increased one foot for each additional foot. The plan commission may require screening to break up the view of the accessory building from adjacent properties or from a public road.
8. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
9. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
10. When property directly across the road of the subject property is in a special, agricultural, or residential zoning district, the setback shall be 100 feet.
11. The minimum setback may be more than what is stated if ch. Trans 293, Wis. Admin. Code applies.
12. In the event a parcel does not front on a public road, the Town Board with a recommendation of the Plan Commission, may upon petition review the nature of the lot to determine if there should be a front yard, and/or how the other yards should be so designated for the purposes of this code. In making such determination, the following factors should be considered: (1) size of the property; (2) the nature of the use to be regulated by the yard designations; (3) proximity of the lot to the road along with the type of road (main, private, Town, etc.); (4) size and zoning of surrounding properties; (5) visibility to the neighbors and the road; (6) preservation of the rural character and natural resources of the Town; and (7) available alternatives for the purpose proposed.

Amendment(s): Revised by Ordinance 2021-03, 2023-01