

ORDINANCE NO. 2026-TBD

AN ORDINANCE TO REPEAL AND REPLACE CHAPTERS 402 AND 403 OF THE CITY OF RICHLAND CENTER'S ZONING ORDINANCE AND CREATE A NEW CHAPTER 402 R-1/2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

WHEREAS, consolidating the R-1 Single Family Residential District and R-2 Two-Family Residential District into a unified R-1/2 District will simplify the zoning code and provide greater flexibility for property owners; and

WHEREAS, allowing owner-occupied Accessory Dwelling Units (ADUs) by right will increase housing supply, support multigenerational families, provide affordable housing options, and enable aging in place; and

WHEREAS, introducing ADUs conservatively — as owner-occupied units subordinate in size and height to the principal dwelling — allows the City to evaluate their effects on neighborhood character before considering broader options; and

WHEREAS, these changes are consistent with the City's comprehensive plan and will promote the public health, safety, and general welfare;

NOW, THEREFORE, the Common Council of the City of Richland Center does ordain as follows:

SECTION 1: REPEAL OF EXISTING CHAPTERS

Chapter 402 (R-1 Single Family Residential District) and Chapter 403 (R-2 Two-Family Residential District) of the Richland Center Zoning Ordinance are hereby repealed in their entirety. Chapter 403 is reserved for future use.

SECTION 2: CREATION OF NEW CHAPTER 402

A new Chapter 402 of the Richland Center Zoning Ordinance is hereby created to read as follows:

CHAPTER 402: R-1/2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

402.01 APPLICABILITY OF CHAPTER 400

All provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in the R-1/2 District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

402.015 FEES. All permit, license, and application fees referenced in this Chapter shall be as established, and after initial adoption reviewed and adjusted from time to time, by resolution of the Common Council at its pleasure. Fees are not fixed by this Chapter.

402.02 DEFINITIONS

For purposes of this Chapter, the following terms shall have the meanings indicated:

Accessory Dwelling Unit (ADU) means a self-contained residential dwelling unit designed for human habitation that is located on the same lot as a primary single-family or two-family dwelling. A unit is an ADU based on its physical characteristics as a separate dwelling — not on who occupies it; a self-contained second unit is an ADU whether it is occupied by a tenant, a family member, or no one. An

ADU may be attached to, detached from, or contained within the structure of the primary dwelling. An ADU is subordinate in size, location, and appearance to the primary dwelling and must comply with all applicable building, housing, plumbing, electrical, and safety code requirements for residential dwellings. Each ADU must be connected to public water and sewer systems (or approved private systems where public systems are unavailable) and must have electrical service adequate for residential occupancy. Each ADU must have separate, independent utility meters for water, electric, and gas (if applicable) service that allow for individual metering and billing of utility consumption.

Distinguishing an interior ADU from a two-family dwelling. *Where a structure contains two dwelling units, size determines classification. If the smaller unit satisfies the ADU size limit in Section 402.05(1)(a) — no more than 800 square feet or 50% of the larger unit's finished living area, whichever is less — the structure is a single-family dwelling with an ADU and is subject to the ADU standards in Section 402.05. If the smaller unit exceeds that limit, the two units are treated as co-equal and the structure is a two-family dwelling (duplex) reviewed under the standards for two-family dwellings. This measurable test governs classification regardless of how the applicant labels the units.*

Family Daycare means a facility licensed by the Wisconsin Department of Children and Families pursuant to Wis. Stat. § 48.65 and Wis. Admin. Code ch. DCF 250 for the care of not more than eight (8) children, including children of the provider, operated in the provider's home. Family daycare includes both regular and provisional licenses.

Floor Area means the sum of the gross horizontal areas of all floors of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Floor area includes basements, attics, and attached garages when such spaces contain habitable living area with finished walls, ceilings, and floors. Floor area does not include unfinished basements, unfinished attics, open porches, breezeways, or detached garages.

Good Neighbor Standards means the requirements that a property owner must maintain to preserve the residential character and quality of life in the neighborhood, including but not limited to: compliance with all zoning regulations, property maintenance standards, building and housing codes, timely payment of property taxes, adequate provision of required parking, proper waste and recycling management, and freedom from excessive substantiated complaints regarding nuisances or violations. Good neighbor standards are applicable to conditional use permits for short-term rental accessory dwelling units and are grounds for permit revocation if violated.

Home Occupation means any use conducted entirely within a dwelling unit and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which such dwelling is a part. Home occupations are subject to the following limitations:

- (a) The occupation shall be carried on wholly within the principal structure.
- (b) The occupation shall be carried on only by members of the immediate family residing on the premises.
- (c) No person shall be employed who is not a resident of the premises.
- (d) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the total floor area of the dwelling shall be used in the conduct of the home occupation.

(e) There shall be no exterior display, no exterior sign (except as otherwise permitted by the sign ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.

(f) No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.

(g) No equipment or process shall be used in such home occupation which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(h) The occupation shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

(i) On-premise sales of goods are prohibited except for goods produced on the premises as part of the home occupation.

Human Habitation means occupancy of a dwelling unit for residential purposes that includes permanent provisions for living, sleeping, cooking, bathing, and sanitation facilities, with connections to water supply, sanitary sewer, and electrical service, regardless of the frequency or duration of actual occupancy.

Carport means a permanent roofed structure, open on at least two sides, that is attached to or detached from the principal dwelling and is used to shelter one or more motor vehicles. A carport is a permanent structure of conventional building materials with a permanent foundation or anchoring, and is distinct from a parking canopy or portable garage.

Parking Canopy means a freestanding, typically metal- or fabric-roofed cover, open on all sides and often prefabricated, that is placed over a parking area. A parking canopy is not a carport and is not a permitted accessory structure in the R-1/2 District.

Portable Garage means a temporary or prefabricated structure, typically consisting of a metal or plastic frame covered by fabric, plastic, or membrane material, designed to be assembled and disassembled without a permanent foundation. A portable garage is not a permitted accessory structure in the R-1/2 District when used as a permanent structure.

Retaining Wall means a wall or structure constructed to resist the lateral pressure of soil where there is a change in ground elevation exceeding the angle of repose of the soil.

Impervious Surface means a surface that does not allow water to percolate into the ground, such as traditional concrete or asphalt sidewalks, driveways, parking areas, and roofs.

Nonconforming means a structure, use, or lot that lawfully existed prior to the effective date of this ordinance but does not conform to the current requirements of this chapter.

(a) **Nonconforming Structures.** A nonconforming structure is a dwelling or other building that existed lawfully before this ordinance but does not conform to one or more development regulations (such as setback, height, lot coverage, or side yard). Consistent with Wis. Stat. § 62.23(7)(hb), the City shall not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure. The fifty percent (50%) limitation in paragraph (b) applies only to nonconforming uses and does not apply to nonconforming structures.

(b) **Nonconforming Uses.** Consistent with Wis. Stat. § 62.23(7)(h), the lawful nonconforming use of a building, premises, structure, or fixture existing at the time of adoption of this ordinance may continue but may not be extended. Total structural repairs or alterations for the purpose of continuing

a nonconforming use shall not, during the life of the structure, exceed fifty percent (50%) of the assessed value of the structure unless the use is permanently changed to a conforming use.

(c) **Restoration of Damaged Nonconforming Structures.** Consistent with Wis. Stat. § 62.23(7)(hc), a nonconforming structure that is damaged or destroyed may be restored or replaced to the size, location, and use it had immediately before the damage or destruction. This provision is included to make the post-disaster rebuild right explicit; it is not a cost limitation, and no cost cap applies to a nonconforming structure under paragraph (a).

(d) **Discontinuance of Nonconforming Use:** When any lawful nonconforming use of a building, premises, structure, or fixture in any district is discontinued for a period of twelve (12) months or is changed to a conforming use, its former status as a lawful prior nonconforming use is permanently lost and any future use of said building, premises, structure, or fixture shall be in conformity with the provisions of this Zoning Ordinance. [Wis. Stat. § 62.23(7)(h)]

(e) **Illegal Structures:** A structure, use, or lot that was not legally permitted or that was illegally erected, placed, or established under previous ordinances is not legal nonconforming and constitutes a violation of this code.

Manufactured Home means a structure that is designed to be used as a dwelling with or without a permanent foundation, transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling unit when connected to required utilities. A structure initially constructed as a manufactured home but subsequently modified to meet all requirements of the Wisconsin Uniform Dwelling Code (UDC) and installed on a permanent foundation in compliance with all applicable building codes shall be considered equivalent to a site-built home and permitted as a primary dwelling in the R-1/2 District.

Modular Home means a factory-built dwelling constructed in accordance with the Wisconsin Uniform Dwelling Code (UDC) and transported to a building site where it is installed on a permanent foundation. Modular homes are constructed in accordance with the same building codes that apply to site-built homes and are permitted as primary dwellings in the R-1/2 District.

Off-Street Parking Space means a paved or graveled area, in accordance with Chapter 101 (Parking), designed for the parking of one motor vehicle, exclusive of driveways, aisles, and access drives. A standard parking space shall be not less than 9 feet in width and 18 feet in length.

Owner-Occupancy means that the legal owner(s) of the property, or in the case of property owned by a trust or limited liability company, the beneficial owner(s), uses either the primary dwelling or the accessory dwelling unit as their primary residence. Primary residence is determined using the same criteria as established for voter residency under Wis. Stat. § 6.10, which requires that the owner maintain their residence at the property as their principal dwelling and have no present intent to move therefrom. The property owner must provide proof of owner-occupancy at the time of permit application and upon request through documentation such as voter registration, driver's license address, or income tax filing address.

Permeable Surface means a surface specifically designed and constructed to allow water to percolate into the ground, including but not limited to: permeable pavers with gaps/joints filled with pervious material, porous concrete or porous asphalt, gravel or crushed stone driveways, reinforced grass/turf pavers, and other materials demonstrated to meet minimum infiltration rates. Permeable surfaces must be demonstrated to meet a minimum 10 inches per hour infiltration rate through manufacturer certification or professional testing per ASTM C1701 (or other applicable ASTM standards appropriate to the surface

type). Manufacturer certification shall be sufficient proof of compliance. Property owners must maintain permeable surfaces to preserve infiltration capacity. The City may require professional testing at property owner's expense if visual inspection or complaints indicate failure to maintain adequate infiltration.

Short-Term Rental means the rental of a dwelling unit or accessory dwelling unit for occupancy for dwelling, lodging, or sleeping purposes for a period of less than thirty (30) consecutive days in exchange for compensation. Short-term rentals are subject to state and local room tax requirements. Short-term rental does not include: (a) rental to the same tenant for consecutive short-term periods that total thirty (30) or more days within any sixty (60) day period, or (b) occupancy by family members without compensation.

402.03 PERMITTED USES

The following uses are permitted uses in the R-1/2 District:

- (1) Single-family dwellings, including modular homes constructed in accordance with the Wisconsin Uniform Dwelling Code, and manufactured homes modified to meet Wisconsin Uniform Dwelling Code requirements and installed on permanent foundations.
- (2) Two-family dwellings (duplexes).
- (3) Owner-occupied Accessory Dwelling Units (ADUs), subject to the standards in Section 402.05.
- (4) Public parks and playgrounds.
- (5) Home occupations as defined in Section 402.02.
- (6) Family daycare as defined in Section 402.02.
- (7) Garages with living space above or beside the ground floor. Whether or not the living space is occupied by the property owner or immediate family members, if the space is a self-contained dwelling unit (with its own provisions for living, sleeping, cooking, and sanitation) it is an Accessory Dwelling Unit and must comply with all ADU standards in Section 402.05, including the one-ADU-per-lot limit, separate-meter, setback, size, and owner-occupancy requirements. Living space that is not self-contained (for example, a bonus room, home office, or bedroom without independent cooking and sanitation facilities that is part of the principal dwelling's household) is not an ADU and requires only the applicable building permits.
- (8) Municipal (City) Buildings and Facilities excepting the following: sewage disposal plants, garbage incinerators, public storage yards, and public warehouses.

402.04 CONDITIONAL USES

None of the following uses shall be permitted in the R-1/2 District except with a Conditional Use Permit granted in accordance with the procedures set forth in Chapter 400. Conditional use permit application fees are established in the City's fee schedule as adopted by resolution of the Common Council.

- (1) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.
- (2) Public schools, parochial schools, colleges and universities.
- (3) Public libraries, public museums and art galleries.
- (4) Governmental buildings: Buildings used exclusively for governmental purposes by county, state, or federal government, provided that no vehicle or equipment storage or repair shall be permitted in

or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions.

(5) Professional offices — home-based: A professional office incidental to a primary residential occupancy of the building, provided that:

- (a) No more than fifty percent (50%) of the total building floor area is occupied by the office;
- (b) Only one (1) nameplate not exceeding six (6) square feet in area, stating the name and profession of the occupant of the premises, may be exhibited, subject to Chapter 485;
- (c) The office use maintains the residential appearance of the structure.

(6) Private garages or other accessory buildings exceeding fifteen (15) feet in height.

(7) Construction of a new mobile service support structure, or the substantial modification of an existing support structure (Class 1 collocation), as those terms are used in Wis. Stat. § 66.0404, subject to that statute. Class 2 collocation on an existing structure is a permitted use and is not subject to a conditional use permit, consistent with Wis. Stat. § 66.0404(3).

402.05 ACCESSORY DWELLING UNIT (ADU) STANDARDS

402.05(1) General Standards

- (a) Maximum size: 800 square feet OR 50% of the primary dwelling's total finished living floor area, whichever is less.
- (b) Minimum primary dwelling size: 800 square feet of living area.
- (c) Both attached and detached ADUs permitted: ADUs may be attached to, detached from, or contained within the primary dwelling structure.
- (d) One ADU per lot: Only one accessory dwelling unit is permitted per lot.
- (e) Same lot requirement: The ADU must be located on the same lot as the primary dwelling.
- (f) Utility connections required: Each ADU must be connected to public water and sewer systems (or approved private systems where public systems are unavailable) and must have electrical service adequate for residential occupancy.
- (g) Separate utility meters required: Each ADU must have separate, independent utility meters for water, electric, and gas (if applicable) service that allow for individual metering and billing of utility consumption. The property owner is responsible for coordinating with utility providers to install separate meters prior to occupancy of the ADU. Shared or master meters are not permitted, and no alternative metering arrangement or grandfathering of existing units shall be authorized.

402.05(2) Owner-Occupancy Requirement

(a) The property owner must occupy either the primary dwelling OR the accessory dwelling unit as their primary residence as defined in Section 402.02. Owner-occupancy is a mandatory condition of all long-term ADUs in the R-1/2 District.

(b) ***Note on durability of this requirement.*** *As of adoption, Wisconsin law permits a city to require owner-occupancy for long-term ADUs. However, legislation introduced in the 2025–26 session (2025 Assembly Bill 365 and companion Senate bills) would have required cities to allow at least one ADU by right on each single-family parcel and would have barred ADU-specific requirements that do not apply to single-family dwellings — which would likely have preempted an owner-occupancy*

mandate. That legislation did not pass, but the policy direction is clear and similar bills are expected to return. If such a law is enacted, this owner-occupancy requirement would likely become unenforceable. The Commission should weigh how important this restriction is at present against the value of a more durable code that anticipates the likely direction of state law by not relying on owner-occupancy.

402.05(3) Height and Stories

- (a) ADUs may be one (1) or one-and-one-half (1½) stories. Two-story and three-story ADUs are prohibited.
- (b) A one-and-one-half story ADU is a structure in which the floor area of the upper level does not exceed sixty percent (60%) of the floor area of the main level, and which does not exceed the height limit in Section 402.05(5)(b).

402.05(4) Parking Requirements

No additional off-street parking spaces are required for an ADU if either of the following conditions are met:

- (a) The property is located within one-quarter (1/4) mile of the Commercial Downtown District (C-DT); OR
- (b) The property already has two (2) or more off-street parking spaces available.

If neither condition (a) nor (b) is met, one (1) additional off-street parking space is required for the ADU, constructed in accordance with Chapter 101 (Parking).

402.05(5) Detached ADU Standards

- (a) Setbacks:
 - i. Rear lot line: minimum 10 feet
 - ii. Side lot lines: minimum 10 feet
 - iii. Primary dwelling: minimum 10 feet separation
 - iv. Front yard: Detached ADUs are prohibited in the front yard
- (b) Height limit: Maximum 22 feet, measured from ground level to the highest point of the roof. This accommodates a one-and-one-half story ADU while remaining well below the height of a typical two-story principal dwelling.

402.05(6) Address Assignment

- (a) Because an ADU requires a building or zoning permit to be constructed, converted, or placed, the City tracks ADUs through the permit process rather than a separate registration. No separate ADU registration or registration fee is required.
- (b) Separate address required: Each ADU must be assigned a separate, unique street address by the City. The property owner must apply for address assignment through the Clerk's office at the time of permit application. The assigned address must be posted on the ADU near the entrance.
- (c) At the time of permit application the property owner shall provide proof of owner-occupancy, proof of utility connections and separate utility meters, and current contact information, which the City shall retain with the permit record.

402.05(7) Short-Term Rental of Accessory Dwelling Units

(a) **Scope and intent:** Short-term rental is permitted only in an owner-occupied ADU, and is not a permitted use of a principal dwelling in the R-1/2 District. Because an ADU is allowed only where the owner occupies either the ADU or the principal dwelling, this limits short-term rental to properties with an on-site owner and keeps principal dwellings in the long-term housing stock. This is a permitted use subject to the operational standards below; a conditional use permit is not required, and no citywide numeric limit is placed on short-term rentals. This structure is required to comply with Wis. Stat. § 66.1014.

(b) **Minimum rental period:** Consistent with Wis. Stat. § 66.1014(2)(a), rentals of seven (7) days or longer may not be prohibited; the City does not authorize rental of an ADU for periods shorter than seven (7) consecutive days.

(c) **Licensing:** A short-term rental of an ADU requires the operator to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade and Consumer Protection and to collect and remit all applicable City room tax. The City does not impose a separate zoning license; short-term rental operators are administered through the Clerk's office in the same manner as other municipal licensing and room-tax collection.

(d) **Other required approvals and taxes:** The property owner is responsible for obtaining all applicable federal, state, and local licenses, permits, and approvals and for remitting all applicable taxes, which may include a state tourist rooming house license under Wis. Stat. § 66.1014(2)(d)2., any City license generally applicable to lodging operators, City and county room tax, and any other approval required by law.

(e) **Operational standards.** A short-term rental of an ADU must comply with the following, which regulate the manner of the rental rather than prohibit it:

- i. The property owner or a designated local contact must be reachable twenty-four (24) hours per day, seven (7) days per week to respond to issues, and the contact's name and telephone number must be on file with the Clerk's office.
- ii. Off-street parking must be provided as required by this ordinance and Chapter 101 (Parking).
- iii. Occupancy is limited to two (2) persons per bedroom plus two (2) additional persons.
- iv. Trash and recycling containers must be stored and set out in accordance with City collection rules.
- v. The rental must comply with all applicable building and housing codes.

(f) **Good Neighbor Standards.** A short-term rental operator must maintain the following measurable standards. Each standard is objective so that any enforcement action is supported by substantial evidence as required by Wis. Stat. § 62.23(7)(de):

- i. No more than three (3) substantiated nuisance complaints within any twelve (12) month period, where a complaint is "substantiated" only if City staff or law enforcement confirms the underlying violation in a written record. Anonymous complaints are logged but are not counted as substantiated. Complaints are reviewed within ten (10) business days and a written determination is issued within thirty (30) days.
- ii. No more than two (2) violations, within any twelve (12) month period, of a municipal noise, disorderly conduct, or nuisance ordinance documented by a citation or written enforcement record.

iii. No property tax delinquency greater than one hundred eighty (180) days; an owner on an approved payment plan with the County Treasurer is considered current.

iv. No uncured building or housing code violation at the property remaining beyond the cure period stated in a written notice of violation.

(g) Enforcement: Failure to meet the operational or good neighbor standards is subject to enforcement under Section 4.03 and, where a City license is involved, to license action under Section 4.04. Enforcement is by manner-of-operation standards and does not prohibit short-term rental of any residential dwelling, consistent with Wis. Stat. § 66.1014.

(h) Discontinuance: If a property owner ceases short-term rental use, the property owner shall notify the Clerk's office in writing within thirty (30) days.

402.06 PERMITTED ACCESSORY USES

No accessory structure or use of land shall be permitted in the R-1/2 District except for:

(1) Unenclosed parking spaces and carports for passenger cars.

(2) Private garages up to 1,000 square feet in area and 15 feet in height.

(a) Multiple garages are permitted if all setback and impervious surface requirements are met.

(b) Garages exceeding these dimensions require a conditional use permit under Section 402.04(6).

(3) Accessory buildings other than garages. Multiple accessory buildings are permitted if all setback and impervious surface requirements are met. There is no fixed maximum floor area for a non-garage accessory building; the total footprint of all buildings and other impervious surfaces on the lot is limited by the fifty percent (50%) impervious surface coverage cap in Section 402.07(8), which functions as the effective size limit.

(a) Accessory buildings exceeding 15 feet in height require a conditional use permit under Section 402.04(6).

(4) Attached garages and breezeways (with open or closed sides) that extend beyond the front of the primary dwelling structure, provided all setback requirements are met.

(a) Attached garages and breezeways in the rear yard may have a rear setback of not less than 12 feet, provided the total of the front and rear yard setbacks is at least 32 feet, and provided the structure meets all side yard setback requirements or is in line with the existing house.

(5) Decorative landscape features.

(6) On-premises signs as regulated by Chapter 485 (Signs) and by any other ordinance or chapter dealing with the regulation of signs.

(7) Private recreational facilities (tennis courts, basketball courts, etc.) intended for the primary use of residents of the property and not for hire or held open to the public.

(a) Swimming pools (in-ground and above-ground permanent installations) are permitted subject to applicable fencing and safety regulations.

(b) Temporary seasonal pools (designed to be installed and removed each summer season) are permitted without additional approval.

(c) Pool drainage requirements: All swimming pools must be drained in compliance with the following standards:

- i. Discharge location: Pool water may be drained to the sanitary sewer system through an appropriate cleanout or drain connection. Pool water shall NOT be discharged directly to streams, wetlands, or adjacent properties.
- ii. Chemical treatment: Pool water containing chlorine, bromine, or other chemical treatments must be dechlorinated or allowed to dissipate to safe levels (chlorine below 0.1 ppm) before discharge. Pool water shall be tested prior to discharge to verify acceptable chemical levels.
- iii. Rate of discharge: Pool water shall be discharged at a controlled rate to avoid overwhelming the sanitary sewer system. Large pools (over 5,000 gallons) shall be drained over a period of at least 8–12 hours.
- iv. Notification: Property owners draining pools larger than 10,000 gallons must notify the Public Works Department at least 24 hours in advance of draining.
- v. Alternative discharge: If connection to the sanitary sewer is not feasible, property owners may discharge dechlorinated pool water to vegetated areas of their own property at a rate that allows infiltration without runoff, erosion, or ponding.
- vi. Discharge to neighboring properties or public right-of-way is prohibited.
- vii. Backwash water: Filter backwash water shall be discharged to the sanitary sewer or to vegetated areas on the property owner's lot in accordance with the standards above.

(8) Electric vehicle (EV) charging stations, subject to the following standards:

- (a) Must be located in a designated parking area (driveway, garage, or approved parking area) constructed in accordance with Chapter 101 (Parking).
- (b) Must not obstruct sidewalks or public right-of-way.
- (c) Cord and cable management required to prevent trip hazards.
- (d) Must comply with all applicable state, federal, and local electrical and safety codes.
- (e) Setback requirements:
 - i. No setback required if wall-mounted on a building or garage, or if located within an existing parking area.
 - ii. If free-standing: may be located in side yard but must be at least 10 feet from adjacent property's driveway or parking area.

(9) Roof-mounted solar panels, subject to the following standards:

- (a) Permitted on any building roof surface.
- (b) Must not exceed building height limits established in Section 402.07(1).
- (c) Ground-mounted solar arrays are not permitted.

(9m) Roofing materials: Any durable roofing material customarily used for residential construction, including asphalt shingle, metal, wood, slate, tile, and composite roofing, is permitted. Metal roofs are expressly allowed.

(9r) Retaining walls, subject to the following:

- (a) A retaining wall is permitted without a zoning permit provided it does not meet or exceed any height or loading threshold that requires a building or engineering permit under the Wisconsin

Administrative Code or Chapter 420, and provided it complies with the traffic visibility triangle in Section 402.07(4).

(b) A retaining wall that meets or exceeds any such state or building-code threshold (for example, walls at or above the height at which engineering is required, or walls supporting a surcharge or lateral load) requires the applicable building permit and, where required, engineered design.

(c) This section does not authorize a retaining wall that would violate the floodplain fill or grading standards of Chapter 452 or Chapter 426.

(10) Fences, subject to the following standards. Where these standards differ from the general fence provisions of Section 400.04, the provisions of this Chapter control within the R-1/2 District under Section 402.01:

(a) Height limits:

i. Front yard (outside the traffic visibility triangle): maximum 48 inches. This is more permissive than the 30-inch front-yard limit in the current general provisions; it is set at 48 inches so that a standard residential fence is allowed by right rather than requiring a conditional use permit.

ii. Within the traffic visibility triangle: no fence permitted.

iii. Side and rear yards: maximum 8 feet.

(b) Prohibited materials: Barbed wire, razor wire or concertina wire, electric fencing, temporary construction fencing used as permanent fencing, and salvaged or junk materials (pallets, sheet metal, tarps, and the like). Barbed wire is prohibited except on a boundary fence abutting a parcel legally used for agriculture, consistent with Section 400.04.

(c) Allowed materials: Wood, vinyl, ornamental metal, masonry, composite materials, and chain link. Chain link is permitted in any yard subject to the height limits above; it is not restricted by yard location. Any fence must comply with the traffic visibility triangle.

(d) Placement and maintenance: A fence must be located on the property side of the lot line, must not obstruct the traffic visibility triangle as defined in Section 402.07(4), and must be maintained in good repair.

(e) Corner lots: On corner lots, fences in side yards abutting streets must comply with the traffic visibility triangle (no fence within the triangle) and the front-yard height limit (48 inches) for the portion within 33 feet of the street intersection.

(11) Prohibitions. The following are not permitted as accessory uses or structures in the R-1/2 District: shipping containers used for storage; parking canopies; portable garages and other temporary fabric- or membrane-covered structures used as permanent structures; junk, salvage, or inoperable-vehicle storage not otherwise permitted; and outdoor storage except as allowed under Section 402.08.

402.07 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND YARD REQUIREMENTS

402.07(1) Building Height. No structure or building shall exceed a height of forty-five (45) feet, except as provided in Section 400.09(2) of this Zoning Ordinance. The forty-five (45) foot limit carries forward the height allowance of the former R-2 District so that existing taller structures do not become nonconforming solely as a result of the district consolidation.

402.07(2) Side Yard.

(a) A side yard abutting a street shall not be less than twenty (20) feet in width.

(b) There shall be an aggregate of side yards for every building used for human habitation of not less than twenty (20) feet, and no single side yard shall be less than eight (8) feet.

402.07(3) Setback from Street (Front Yard). The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

402.07(4) Traffic Visibility Triangle. No fences, structures, trees, bushes, other plantings or other objects other than lawn grass, sidewalks or city utility system components or street signs, traffic signs or other signs installed by the city shall be permitted, placed or maintained within any area of a lot or boulevard abutting intersecting streets within the triangular area described as follows: A triangle, the sides of which are determined by measuring to points 33 feet along the curb lines of each of the two intersecting streets from the point of intersection of the lines of the two curbs, and the base of which is a line connecting such two points. The measurement of a curb line shall be made at the top edge of the curb where the back of the concrete curb meets the boulevard. Where the area of the curb intersection is rounded or set back to enable handicapped access to the sidewalks, the curb lines shall be extended to the point where the extended lines intersect. Where there is no curb installed, the measurement shall be made along the edge or edges of the paved street roadway(s) closest to the lot line of the abutting property. In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

402.07(5) Rear Yard. There shall be a rear yard of not less than ten (10) feet, measured as the horizontal distance from the rear lot line to the nearest point of the principal building. Detached accessory buildings and detached ADUs are governed by their own setback provisions in Sections 402.05(5) and 402.07(9).

402.07(5m) Buildable Envelope. The minimum lot dimensions in Section 402.07(6) are sufficient to accommodate the required yards. On a minimum 50-foot-wide by 130-foot-long lot: after the two side yards (minimum 8 feet each, 20 feet aggregate) a buildable width of at least 30 feet remains, and after the 20-foot front yard and 10-foot rear yard a buildable depth of 100 feet remains.

402.07(6) Lot Area, Width, and Length.

(a) Minimum lot area: 6,500 square feet

(b) Minimum lot width: 50 feet

(c) Minimum lot length: 130 feet

(d) These requirements apply to both single-family dwellings and two-family dwellings (duplexes).

402.07(7) Floor Area per Dwelling Unit.

(a) Primary dwelling units (single-family and duplex units): Every dwelling unit erected or created by structural alteration for human habitation shall provide a minimum living area of eight hundred (800) square feet.

(b) Accessory dwelling units: Maximum 800 square feet OR 50% of primary dwelling's total finished living floor area, whichever is less, as specified in Section 402.05(1)(a).

402.07(8) Impervious Surface Coverage.

(a) Maximum impervious surface coverage: No more than fifty percent (50%) of the total lot area may be covered by impervious surfaces. This cap applies to all buildings and impervious surfaces on the lot combined and functions as the effective limit on the number and size of garages and accessory buildings under Section 402.06.

(b) Credit for permeable surfaces: For purposes of calculating impervious surface coverage, permeable surfaces as defined in Section 402.02 shall count as fifty percent (50%) impervious.

(c) Impervious surfaces include buildings (primary dwelling, ADUs, garages, sheds), driveways, parking areas, concrete or asphalt patios and walkways, and other surfaces that do not allow water infiltration.

(d) Maintenance requirement: Property owners must maintain permeable surfaces to preserve their infiltration capacity in order to receive the 50% credit.

402.07(9) Distance of Detached Accessory Buildings from Lot Lines. No detached accessory structure (except ADUs, which are governed by Section 402.05(5)) shall be located closer than the following distances from the indicated lot lines:

(a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.

(b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building shall be located less than one and one-half (1.5) feet from the side lot line.

(c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building shall be located less than six and one-half (6.5) feet from the side lot line.

(d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure (20 feet).

(e) Additional limitations on detached accessory buildings set forth in Section 400.04(5) are applicable in this district.

402.08 PERFORMANCE STANDARDS

402.08(1) Exterior Storage in the R-1/2 District. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for:

(a) Laundry being dried.

(b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.

(c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers under twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.

(d) Recreational vehicles (RVs) in driveways from May 1 through October 31. This seasonal limitation is a permissible time, place, and manner regulation of outdoor storage adopted to protect neighborhood aesthetics, property values, and traffic safety:

i. RVs up to thirty-five (35) feet in length may be stored in the driveway or parking area during this period;

- ii. RV must not block the public sidewalk or right-of-way;
- iii. RV must be legally operable, roadworthy, and display current registration;
- iv. No utility hookups (water, sewer, electrical) are permitted while RV is in driveway or parking area.

(e) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.

(f) Off-street parking of an aggregate of not more than four (4) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.

(g) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

402.08(2) Additional Performance Standards. In addition to subsection (1) above, all of the performance standards set forth in Section 400.07 which are applicable to all zoning districts apply to lands in the R-1/2 District. Where a performance standard in Section 400.07 conflicts with a standard in this Chapter, the provision of this Chapter controls within the R-1/2 District under Section 402.01; where this Chapter is silent, Section 400.07 applies.

SECTION 3: AMENDMENTS TO CHAPTER 400 (GENERAL PROVISIONS)

3.01 Amendment to Section 400.09(5) — Transitional Uses in “R” Residential Districts. Section 400.09(5) of the Richland Center Zoning Ordinance is hereby amended to read as follows:

400.09(5) Transitional Uses in “R” Residential Districts. In any “R-A” or “R-1/2” Residential District, a transitional use is permitted on a lot which has a side lot line abutting a lot in any “C” or “I” District. The permitted transitional uses for any such lot are as follows:

- (a) For a lot in an “R-A” District: any use permitted in the “R-1/2” District.
- (b) For a lot in an “R-1/2” District: any use permitted in the “R-3/4” District.
- (c) Notwithstanding the foregoing, any transitional use authorized under this paragraph shall not extend beyond one (1) lot of record nor more than seventy-five (75) feet into an abutting lot, whichever is less.

SECTION 4: ENFORCEMENT

4.01 ADU Records.

(a) The Zoning Administrator shall maintain, as part of the City’s permit and address-assignment records, information on each ADU including property address and parcel number, ADU assigned address, owner contact information, type of ADU (attached or detached), separate-meter confirmation, and compliance history. No separate registration or registration fee is required.

(b) If a property owner ceases to use an ADU as a dwelling unit, the property owner shall notify the Zoning Administrator in writing within thirty (30) days of such discontinuance.

4.02 Inspection and Monitoring.

- (a) The Zoning Administrator may conduct inspections of ADUs and short-term rentals to verify compliance with applicable standards.
- (b) Inspections may be triggered by complaints from neighbors or other parties, failure to complete a required certification, or building or code violations.
- (c) Property owners shall provide access for inspections upon reasonable notice (minimum 24 hours).

4.03 Penalties for Violations.

- (a) Citation and deposit: Any person, firm, or corporation violating any provision of this Chapter shall be subject to a citation. The forfeiture and deposit for each violation shall be as set forth in the City's Schedule of Cash Deposits under Chapter 980, plus court costs and applicable surcharges. [Note: a corresponding entry for Chapter 402 violations must be added to the Chapter 980 Schedule of Deposits.]
- (b) Continuing violations: Each day a violation continues shall constitute a separate offense, subject to the daily forfeiture set in the Schedule of Cash Deposits, until compliance is achieved.
- (c) **Enhanced penalties for willful or repeat violations:** Where a violation is found to be willful, or where the property owner has a documented history of the same or similar violations, the City may seek forfeitures at the upper end of the applicable range and pursue additional remedies available under law.
- (d) Enforcement philosophy: The City shall seek voluntary compliance as the first course of action. Citations shall be issued only when the property owner fails to make a good faith effort to comply after notice; the violation presents an immediate threat to public health, safety, or welfare; or the property owner has a history of repeated violations.
- (e) Additional remedies: In addition to citations and forfeitures, the City may pursue injunctive relief, revocation of a short-term rental license, or other remedies available under law.

4.04 Denial, Non-Renewal, and Revocation of Short-Term Rental Authorizations.

- (a) Causes: A short-term rental authorization may be denied, not renewed, or revoked only if the property owner fails to meet a measurable operational or good neighbor standard in Section 402.05(7), provides false information in an application or certification, or fails to pay a required fee or tax. Each cause must be documented in a written record so that the action is supported by substantial evidence as required by Wis. Stat. § 62.23(7)(de).
- (b) Notice and opportunity to cure: Before acting, the Zoning Administrator shall provide written notice to the property owner specifying the deficiency and a thirty (30) day opportunity to cure (if curable).
- (c) Authority: Determinations shall be made by the Zoning Administrator. Where the Zoning Administrator position is vacant, or the Zoning Administrator is absent or recused, the City Administrator shall make the determination, so that the Plan Commission remains available as the appeal body.
- (d) Proceedings: If a deficiency is not cured within the stated period, the reviewing authority may proceed by scheduling a hearing, providing the property owner written notice of the hearing date at least fifteen (15) days in advance, and allowing the property owner to present evidence and testimony.
- (e) Appeal and time to act: The property owner may appeal the determination to the Plan Commission by filing a written appeal within fourteen (14) days of the determination. The Plan

Commission shall act on the appeal within ninety (90) days of the date the appeal is filed, in accordance with Chapter 400 procedures.

(f) Effect: Upon a final adverse determination, the ADU must cease being used for short-term rental. The ADU may continue as a long-term dwelling unit if it otherwise complies with this Chapter. The property owner may not reapply for short-term rental authorization for the same ADU for a period of one (1) year.

SECTION 5: TRANSITION PROVISIONS

5.01 Automatic Rezoning. All properties currently zoned R-1 (Single Family Residential District) or R-2 (Two-Family Residential District) are automatically rezoned to R-1/2 (Single and Two-Family Residential District) upon the effective date of this ordinance. No application or fee is required for this automatic rezoning.

5.02 Legal Nonconforming Status.

(a) Structures and lots: Properties that currently meet R-1 or R-2 standards but do not meet the new R-1/2 standards (such as lots smaller than 6,500 square feet or structures with setbacks less than required) are granted legal nonconforming status pursuant to Section 402.02 (Nonconforming definition) and may continue.

(b) Legal, permitted structures: Structures that were legally permitted and constructed in compliance with R-1 or R-2 standards in effect at the time of construction shall be considered legal nonconforming structures under this ordinance.

(c) Illegal or unpermitted structures: Any structure that was erected, placed, or established without proper permits or in violation of R-1 or R-2 requirements in effect at the time of construction shall NOT be considered legal nonconforming. Such structures constitute violations of this code and are subject to enforcement action.

(d) Determination of legal status: The burden of proof to establish that a structure was legally permitted and constructed in compliance with previous ordinances rests with the property owner. The Zoning Administrator may request documentation including building permits, certificates of occupancy, surveys, or other records to verify legal status.

(e) **Building on substandard nonconforming lots.** A legal nonconforming lot of record that is smaller than the minimum lot area, width, or length required by Section 402.07(6) may be built upon with a permitted use by right, without a variance, provided the structure complies with all applicable setback, height, and impervious-surface standards of this Chapter. Only if the owner cannot meet those standards on the substandard lot is an area variance from the Board of Appeals required. This preserves the buildability of existing small lots created by the reduced minimum dimensions.

5.03 Existing Accessory Dwelling Units.

(a) Identification: A property owner with an existing ADU should notify the City within three (3) months of the effective date so the ADU can be recorded and assigned an address if it does not already have one. The effective date is the date of adoption of this ordinance by the Common Council.

(b) Owner-occupancy compliance: Property owners with existing ADUs who do not occupy either the primary dwelling or the ADU as their primary residence must, within three (3) months of the effective date, either move into the primary dwelling or the ADU and provide proof of owner-

occupancy, or cease using the additional unit as a separate dwelling. Non-owner-occupied ADUs are not permitted in the R-1/2 District.

(c) **Nonconforming ADUs.** An existing ADU that does not meet the new size, setback, height, or other dimensional standards in Section 402.05 is granted legal nonconforming status if it was lawfully established under the regulations in effect at the time it was created (whether by permit or because no permit was then required), the owner identifies it within the three-month period, and it complies with the owner-occupancy requirement. An ADU that was created unlawfully under the regulations then in effect is not granted legal nonconforming status.

(d) Utility requirements: All existing ADUs must demonstrate connection to water, sewer, and electrical service, and installation of separate utility meters, within the three-month period. ADUs lacking proper utility connections or separate meters must install the required utilities and meters within six (6) months or cease being used as a dwelling unit. No grandfathering of the separate-meter requirement is authorized.

5.04 Grace Period and Enforcement.

(a) Three-month grace period: For the first three (3) months following the effective date, the City shall focus on education and assistance to help property owners understand and comply with new requirements.

(b) Assistance available: The Zoning Administrator shall provide information on new requirements, assist property owners with the address-assignment and permit process, answer compliance questions, and work cooperatively with property owners to achieve compliance.

(c) **Cure of building-code and inspection findings:** Property owners who have made a good faith effort to comply but require additional time to cure building or housing code and inspection findings shall be allowed a period of six (6) months to one (1) year to complete corrective work. The Zoning Administrator shall determine an appropriate schedule for major structural or code issues that cannot reasonably be cured within that period.

(d) Enforcement after grace period: Property owners who have not made a good faith effort to comply shall be subject to enforcement action including citations and penalties under Section 4.03. Unpermitted ADUs discovered after the grace period shall be required to come into compliance immediately or cease operation as a dwelling unit.

5.05 Short-Term Rental Transition.

(a) Existing ADUs currently being used for short-term rentals must obtain a short-term rental license under Section 402.05(7) within three (3) months of the effective date.

(b) ADUs operating as short-term rentals without a required license after the grace period shall obtain a license or cease short-term rental operations, and are otherwise subject to enforcement action.

SECTION 6: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7: EFFECTIVE DATE

This ordinance shall take effect upon passage and adoption by the Common Council and publication as required by law. The effective date for purposes of Section 5 transition provisions shall be the date of adoption by the Common Council.

PASSED AND ADOPTED by the Common Council of the City of Richland Center, Wisconsin, this _____ day of _____, 2026.

Mayor

ATTEST:

City Clerk