

CITY OF RICHLAND CENTER

Plan Commission Briefing

R-1/2 Single & Two-Family Residential District — Consolidation Ordinance

Purpose of this ordinance

This ordinance consolidates the R-1 (Single-Family) and R-2 (Two-Family) districts into a single R-1/2 district. Its goals are:

- **Increased housing density and supply**, chiefly by allowing accessory dwelling units (ADUs) and extending two-family use across the merged district.
- **Greater flexibility for property owners**, through simpler standards, smaller minimum lots, and expanded by-right accessory uses.
- **Consistency with the Comprehensive Plan's** direction toward infill, missing-middle housing, and efficient use of existing serviced land.
- **A codified policy of voluntary compliance**, where the City seeks education and cooperation first and reserves citations for owners who do not make a good-faith effort or who present a health-and-safety concern.
- **Legal defensibility**, so the standards hold up under current Wisconsin statutes and case law rather than relying on informal practice.

Part 1 — What changed from the January 2026 draft

The draft the Commission reviewed in January 2026 (the “January draft”) was a broad rewrite. Following Commission discussion, Chair feedback, and a legal review, staff narrowed it and corrected several provisions that state law does not allow. Because the Commission has only seen the January draft, everything below is new to the Commission and is presented for its consideration in the revised draft ordinance. The major differences from the January draft:

Removed from the January draft

- **Small-scale neighborhood commercial uses** (corner stores, cafés, personal services, etc.) — removed entirely at the Chair's request until the City sees how the merge performs.
- **Non-owner-occupied ADUs by CUP** — removed; owner-occupancy is now required for long-term ADUs.
- **The short-term rental CUP, citywide cap, and STR owner-occupancy condition** — removed because they are preempted by state law (see Part 3); replaced with a lawful licensing-and-standards approach limited to owner-occupied ADUs.
- **The proof-of-insurance requirement** — removed as beyond zoning authority.
- **The standalone ADU registration system and fee** — removed as redundant with the permit process now that there is no cap to enforce.
- **Appendix C fee schedule and the Section 8 self-directive** — removed; fees are set by Council resolution, and the Chapter 400 review is handled as a companion task.

Added or corrected since January

- **Building height set at 45 ft** (former R-2 allowance) instead of 35 ft, to avoid making existing tall buildings nonconforming.
- **ADU height/stories made functional** (one or one-and-one-half stories, 22 ft) instead of a strict single-story cap that made small-lot ADUs impractical.
- **Subjective “good neighbor” standards rewritten as measurable, countable triggers** as state law requires for permit conditions.
- **Nonconforming provisions corrected** — right statute (§ 62.23, not the town statute § 60.61) and a clean split between nonconforming structures (no cost cap) and uses (50% cap).
- **Tower/mobile-service CUP narrowed** to comply with § 66.0404 (Class 2 collocations are by-right).
- **Metal roofs, retaining walls, carport/canopy/portable-garage definitions, and an expanded prohibitions list** added; fence rules simplified; and any self-contained second unit is treated as an ADU regardless of who occupies it (the January draft would have exempted a unit occupied by a family member, which would have allowed a second unit outside the one-per-lot limit).
- **Penalties tied to the Chapter 980 Schedule of Deposits**; enforcement fallback routed to the City Administrator so the Plan Commission remains the appeal body; a 14-day appeal / 90-day action window added.

Part 2 — Current ordinance vs. revised draft ordinance

The table compares the current R-1 and R-2 ordinance standards with the revised draft R-1/2 ordinance.

Standard	Current ordinance (R-1 / R-2)	Revised draft ordinance (R-1/2)
District structure	Two districts: R-1 single-family; R-2 single + two-family	One merged district; two-family allowed throughout
ADUs	Not a distinct allowed use	Owner-occupied ADU permitted by right; 1 per lot
Min. lot area	8,000 sf (1 unit); 4,000 sf/unit (2 units)	6,500 sf (both)
Min. lot width	60 ft	50 ft
Min. lot length	Not specified	130 ft
Min. floor area/unit	850 sf	800 sf
Building height	R-1: 35 ft; R-2: up to 45 ft	45 ft (carries R-2 forward)
Side yard	8 ft min single / 20 ft aggregate	Same: 8 ft min / 20 ft aggregate
Rear yard	25 ft	10 ft
Impervious cap	None	50% max, with permeable-surface credit
Garages	One garage ≤ 768 sf; larger by CUP	Garages ≤ 1,000 sf; multiple allowed; larger by CUP
Non-garage accessory buildings	One ≤ 120 sf; more/larger by CUP	Multiple by right; size limited by 50% impervious cap (see Q. 11)
Front-yard fence	30 in max (48 in by CUP)	48 in by right
Chain-link fence	Regulated by height/location	Allowed any yard within height limits (no material ban)
Short-term rentals	Not addressed	Owner-occupied ADUs only, 7-day minimum, licensed

Standard	Current ordinance (R-1 / R-2)	Revised draft ordinance (R-1/2)
Metal roofs / retaining walls	Not clearly addressed	Metal roofs permitted; retaining walls permit-free below code threshold
Enforcement posture	Standard citation model	Voluntary compliance first; measurable standards; Ch. 980 deposits

Part 3 — Legal limits (brief)

A few of the suggestions received could not be adopted as proposed because Wisconsin law constrains them. In short:

Short-term rentals — Wis. Stat. § 66.1014

The City may not prohibit renting a residential dwelling for 7 days or longer. A recent decision, *Wisconsin Realtors Ass’n v. City of Neenah* (2025), struck down an ordinance that limited rentals to a primary residence, and a citywide cap fails for the same reason. The City **can** prohibit rentals shorter than 7 days, require licensing, and impose reasonable operational standards — which is what the revised draft does. This is why the Chair’s “owner-occupied only, cap below 15” approach could not be applied to STRs directly; instead, STRs are confined to owner-occupied ADUs, which protects the housing stock through an ordinary zoning line rather than a preempted STR ban.

ADU owner-occupancy — durability

Requiring owner-occupancy for long-term ADUs is lawful today, but a 2025–26 bill (AB365) that would have preempted it **failed to pass** and similar bills are likely to return. The requirement is kept, with a note that it may not be durable.

Conditional-use standards — Wis. Stat. § 62.23(7)(de)

If an applicant meets the ordinance’s standards, the City must grant the permit, and standards must be measurable and decisions supported by substantial evidence. Subjective “good neighbor” language was therefore rewritten into countable triggers.

Nonconforming structures — Wis. Stat. § 62.23(7)(hb)/(hc)

The City cannot cost-limit repair or block rebuilding of a nonconforming structure. Keeping the height at 45 ft avoids manufacturing a class of protected nonconformities the City could not effectively control.

Towers — Wis. Stat. § 66.0404

New towers/substantial modifications (Class 1) may be conditional uses, but adding equipment to an existing structure (Class 2) is by-right and cannot be a CUP.

Part 4 — Questions for the Commission to answer

The following policy choices are open. Several were flagged during our review; the revised draft can be adjusted based on the Commission’s direction.

Short-term rentals

1. **Minimum stay.** Keep the 7-day minimum (which effectively eliminates nightly/weekend rentals), or allow shorter stays in ADUs? The 7-day floor is the most restrictive option state law allows; going shorter is a policy choice, not a legal one.
2. **Confirm the STR structure.** Is the Commission comfortable that STRs are allowed only in owner-occupied ADUs — and not in principal dwellings at all — as the tool for protecting the long-term housing stock?
3. **Administration.** Should STR oversight sit with the Clerk's office alongside room-tax collection through licensing, rather than through the zoning code? The City would need to create a licensing system to accomplish this. Licensing regulates how and STR operates, not whether it can exist.

ADUs

4. **Owner-occupancy — now or durable?** Keep the owner-occupancy requirement for long-term ADUs (lawful now, possibly preempted later), or drop it to build a more durable code that anticipates the direction of state law?
5. **ADU height/stories.** Is one-and-one-half stories at 22 ft appropriate, or does the Commission prefer single-story only (recognizing that a strict single-story rule makes small-lot ADUs harder to build)?
6. **ADU size.** Is the 800 sf / 50%-of-primary cap right, or should it scale with lot size?
7. **Family-member units — one ADU, or an exception for family?** The revised draft allows one ADU per lot no matter where it sits (inside the principal dwelling, above a garage, or detached) and treats a self-contained unit as that ADU regardless of who occupies it. The Commission has two options: (a) start simply — one ADU per lot, whoever occupies it; or (b) allow a self-contained unit occupied by a family member (within the principal dwelling or above a garage) to not count as the ADU, so the owner could also have a separate detached ADU — in effect permitting two units where one is family-occupied. Under either option, the individual separate-meter requirement would still apply to every self-contained unit. Staff recommends option (a) to start; option (b) can be added later if desired.

Lot and building standards

8. **Lot dimensions.** Are 6,500 sf / 50 ft / 130 ft the right minimums, or should they go smaller to enable more affordable homes for singles and seniors, as the Chair suggested?
9. **Building height.** Confirm keeping 45 ft to avoid new nonconformities, rather than lowering to 35 ft.
10. **Side-yard setback.** Confirm the 8 ft min / 20 ft aggregate side yard (matching current code) as the least-restrictive safe minimum for emergency access.

Fences and accessory structures

11. **Accessory building size.** The revised draft caps garages at 1,000 sf but sets no fixed maximum for non-garage accessory buildings, whereas the current ordinance caps them at 120 sf. The revised draft now states that the 50% impervious-surface cap functions as the effective size limit — on a 6,500 sf lot, all buildings and paving together cannot exceed 3,250 sf. Is the impervious cap a sufficient control, or does the Commission also want a fixed square-footage cap on non-garage accessory buildings? Should the draft also state a building-permit threshold (the current ordinance exempts structures under 120 sf)?

12. **Front-yard fence height.** Allow 48-inch front-yard fences by right (more permissive than the current 30-inch limit), or retain a lower by-right height?
13. **Chain-link in front yards.** The revised draft allows chain link in any yard within the height limits, dropping the January draft's material-based front-yard restriction (which was hard to defend). Confirm this approach.
14. **Prohibited items.** Are the prohibitions (shipping containers, parking canopies, portable garages, junk/salvage storage) the right list, or should others be added?

Process and enforcement

15. **Voluntary-compliance posture.** Confirm codifying education-and-cooperation first, with citations reserved for bad-faith or health-and-safety cases.
16. **Fees by resolution.** Confirm setting all fees by Council resolution rather than fixing them in the ordinance.

Companion items required before final adoption

These are not policy questions but tasks that must be completed before the revised draft is adopted:

- **Fee Schedule Resolution:** prepare a resolution for the Common Council to adopt setting all permit, license, and application fees referenced in the ordinance.
- **Chapter 980 Schedule of Deposits:** add a Chapter 402 violation entry so citations have a set deposit amount.
- **Code cross-reference and corrections:** cross-reference the full Code to identify inconsistencies with the new Chapter 402 (including references to the former R-1 and R-2 districts) and make any other necessary corrections.
- **Comprehensive legal review:** a full review by the city attorney, including confirmation of the § 66.1014 / Neenah short-term rental analysis, the § 66.0404 tower treatment, and the ADU owner-occupancy question.
- **Departmental and stakeholder review:** a full review by the Zoning Administrator and Building Inspector, and consultation with local builders and contractors, to identify practical issues and unintended consequences before adoption.