

## Initial Review - Amend Section § 550-56C – Accessory Land Use, Detached Residential Garage, Carport, Utility Shed, Play Structure, or Lawn Ornament

### Background:

Plan Commission has seen an increase in Conditional Use Permits for residential accessory structures. These Conditional Use Permits are granted as the developer meets the “substantial evidence” requirement of Wis. Stat. § 62.23(7)(de)1.b. In essence the City of Watertown is charging \$500 for a permit that acts solely as a financial encumbrance to the developer.

### Relevant Information:

The following information has been identified by the City of Watertown Zoning & Floodplain Administrator as pertinent to this action:

#### 1. Current language of Section § 550-56C:

- C. *Detached residential garage, carport, utility shed, play structure, or lawn ornament. Description: A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as ponds, fountains, statuary, sundials, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line. For the purposes of this section, children's play structures, including playhouses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit or units or on a separate lot in conjunction with a residential land use. See § 550-85 for requirements applicable to legal nonconforming garages. Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principal structure, are not permitted in residential districts except as conditional uses in the RH and ER-1 Districts. (Also, see the first paragraph of this section.)*

##### *(1) Regulations.*

- (a) One attached or detached garage and two accessory structures shall be permitted by right.*
- (b) A conditional use permit is required for:*
  - [1] A combination of accessory structures exceeding a total of 1,000 square feet; or*
  - [2] More than two accessory structures.*

#### 2. Proposed language for Section § 550-56C:

- C. ~~Detached residential garage, carport, utility shed, play structure, or lawn ornament~~ Residential Accessory Structure. Description: A private residential detached garage,

carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as ponds, fountains, statuary, sundials, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line. For the purposes of this section, children's play structures, including playhouses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. ~~It~~ Detached residential garage, carport, utility shed, or play structure may be located on the same lot as a residential unit or units or on a separate lot in conjunction with a residential land use. See § 550-85 for requirements applicable to legal nonconforming garages. ~~Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principal structure, are not permitted in residential districts except as conditional uses in the RH and ER-1 Districts. (Also, see the first paragraph of this section.)~~

(1) Regulations.

- (a) ~~One attached or detached garage and two accessory structures shall be permitted by right~~ The sum of building coverage for all detached residential garages, carports, utility sheds, or play structures on a parcel shall not exceed the maximum accessory building coverage of the Zoning District.

[1] Detached accessory dwelling units under Section § 550-56AA(7) and chicken coop and runs under Section § 550-56X(1)(e) shall also count towards the sum of the maximum accessory building coverage of the Zoning District.

- ~~(b) A conditional use permit is required for:~~  
~~[1] A combination of accessory structures exceeding a total of 1,000 square feet; or~~  
~~[2] More than two accessory structures.~~

3. Set public hearing date to October 4, 2022

**Options:**

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning & Floodplain Administrator:

1. Postpone public hearing to a later date
2. Set public hearing date to October 4, 2022