

Sec. 13-1-200 Accessory Uses or Structures.

(a) Building Permit Required for Accessory Buildings.

(1) Permit Required.

a. No owner shall, within the Village of Edgar, build, construct, use or place any type of an accessory structure or building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory structure permit shall be made in writing to the Building Inspector, along with the required permit fee.

b. With such accessory building application, there shall be submitted the following information:

1. A complete set of building plans and specifications;

2. Three (3) copies of a site plan or drawing accurately showing the location on the entire lot of the proposed accessory structure with respect to distances to adjoining alleys, streets, property lines, easements, and other structures. The dimensions shall be shown of the lot, proposed accessory structure, principal structure (house), and any other accessory structures on the lot. A public street right-of-way is a property boundary line. The site plan must be drawn to scale, such as a scale of 1 inch = 20 feet; and

3. A plat of survey, as prepared by a Wisconsin Registered Land Surveyor, shall be required if the property is located within or abuts a shoreland, wetland, floodplain, navigable waterway, or verification is difficult. If applicable, the Ordinary High Water Mark [two (2) feet above the 100-year floodplain elevation] and Wetland Delineation shall be shown.

c. The required building plans and specifications shall include the following information:

1. Floor plans, exterior dimensions, and a statement indicating the use of the accessory structure, including any second story area.

2. Height of the accessory structure measured from the site lot grade to the peak of the roof peak and the building's exterior dimensions.

3. Information and renderings illustrating design characteristics for all four sides of the proposed detached accessory structure, along with a current photograph of the principal structure on the parcel.

4. Sufficiently detailed information on the type of construction and materials to be utilized, including that which is proposed to be used with the outside walls and roofing and the finish and color of such materials.

5. Description of the flooring and foundation to be used.

6. In the case of a premanufactured residential accessory building, a copy of the manufacturer's plans, specifications and instructions.

(2) Applicability to Temporary, Movable and Permanent Buildings. For purposes of this Zoning Code, no regulatory distinction is made between temporary, permanent, prefabricated or movable accessory buildings (such as those mounted on skids); all such accessory structures require an accessory building zoning permit and shall comply with the standards of this Zoning Code. Sheds built off-site and moved onto a lot and prefabricated accessory structures require a permit.

(b) Principal Structure/Use to be Present.

(1) Establishment of Principal Use Requirement. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction, unless a special limited-duration, one-time waiver is granted by the Village Board due to unique circumstances or one of the limited exceptions in Subsection (b) (2) below exists.

(2) Special Circumstances When an Existing Accessory Structure is Present. A detached accessory structure that becomes the only structure on a lot as a result of a land division, a property line adjustment, or a demolition of the primary structure may remain on the lot if the owner has executed a contract with the Village and placed a deed restriction on the parcel with the County Register of Deeds as follows:

a. For a land division, the contract and deed restriction must require the owner to remove the accessory structure if, within two (2) years of final plat or certified survey map approval, a principal structure has not been built and received final inspection. The contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the final land division approval.

b. For a property line adjustment, the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date the property line adjustment legally occurs, at which time the contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds.

c. For a demolition of a primary structure, the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date of the final Village inspection of the demolition. The contract and restrictive covenant shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the issuance of the demolition permit by the Village.

(3) Zoning District Requirements To Be Complied With. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

(c) Number of Permitted Garages and Accessory Buildings on Residential Lots. An accessory use or structure in a residential district may be established subject to the following regulations:

(1) Accessory Building Number Limits. In any residential district, in addition to the principal building, one (1) detached or attached garage, one (1) additional accessory building (such as a garden shed) and two (2) children's play structures may be placed on a lot, except as provided in Subsection (c)(2) below.

(2) Limitation on Number of Detached Garages and Accessory Buildings.

a. Residentially zoned parcels with a single garage attached to the dwelling are permitted to have an additional one (1) or two (2) car detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.

b. Residentially zoned parcels with more than a one (1) stall garage attached to the dwelling are permitted to have an additional one (1) stall detached garage on the parcel. If a detached garage is erected, no other detached accessory buildings may be constructed or maintained on the parcel.

c. Garages attached to dwellings shall be three (3) stalls or less, provided the square footage requirements of Subsection (d)(4) are met. Dwellings with an attached three (3) stall garage are not permitted to have an additional detached garage on the parcel.

(d) Standards for Attached Accessory Buildings/Garages.

(1) Setback Requirements. All accessory buildings which are attached to the principal building, including attached garages, shall comply with the height and yard/setback requirements of the principal building. An accessory structure or use shall not be forward of the front line of the principal structure.

(2) Determination of Attached Status. When accessory buildings are attached to the principal building, including attached garages, by a breezeway, passageway or similar means, or are separated by a nominal gap, they are considered to be a part of the principal building and shall comply in all respects with the height and yard/setback requirements and local building code requirements for the principal building.

(3) Carports. For purposes of this Section, a carport, as defined in Section 13-1-300(a), shall be considered to be an attached garage.

(4) Attached Garage Square Footage Limits.

a. The maximum square feet of attached garage floor area shall be limited to the smaller of either one thousand (1,000) square feet or the first floor dwelling unit area in the case of a single family residence.

b. The maximum square feet of attached garage floor area shall be limited to the smaller of either six hundred (600) square feet or the first floor dwelling unit area in the case of a duplex, two-family dwelling, or multi-family dwelling.

(e) Standards for Detached Accessory Buildings/Garages; Lot Area Coverage; Square Footage.

(1) Size Restrictions. In the aggregate, detached accessory buildings and structures, including detached garages, shall not occupy more than forty percent (40%) of any required rear yard area, or be larger than one thousand two hundred (1,200) square feet, whichever is more restrictive, on residential lots of fifteen thousand (15,000) square feet or less. On lots of fifteen thousand (15,000) square feet or larger, detached accessory buildings and structures shall not exceed thirty percent (30%) of any required rear yard area of one thousand five hundred (1,500) square feet, whichever is more restrictive.

(2) Front or Side Yard Placement Prohibited. No detached accessory building shall occupy any portion of the required front or side yard. Only rear yard placement is permissible. An accessory structure or use shall not be located forward of the front line of the principal structure.

(3) Height. Single-story detached garages and other single-story detached accessory buildings shall be fifteen (15) feet or less in height. Two-story detached garages and other detached accessory buildings shall be twenty-five (25) feet or less in height. Accessory buildings in commercial and industrial districts shall not exceed twenty-five (25) feet in height.

(4) Setback Requirements. Detached accessory buildings and garages shall have a seven (7) foot setback from side or rear lot lines, except where the zoning district classification requires a specific setback standard. However, where a rear lot abuts an alley, accessory buildings not attached to the principal building shall be located so as to be not closer than six (6) feet to the rear lot line, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage.

(5) Setback from Principal Structure. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.

(6) Setback from Other Accessory Buildings. No detached accessory building shall be located within five (5) feet of any other accessory building.

(7) Placement Where Utility Easements Exist. Where there is an existing utility easement, no detached garage or accessory building may be located closer than three (3) feet to such utility easement. In newly platted land divisions, detached garages and accessory buildings shall be located ten (10) feet from the utility easement.

(8) Exterior Finishes. Galvanized unpainted exterior finishes are not permitted on detached accessory structures. All accessory structures and garages shall be constructed of durable materials and shall not utilize fabric/plastic/rubber materials used in such a fashion or manner so as to be a substitute for building walls and/or roof or roofs of said accessory structure or garage.

(9) Lot Area Coverage Determination. The dimensions of any swimming pool, children's play structure, detached garage, detached wind and solar energy conversion units, and other detached accessory buildings/ structures shall be included in the determination of available lot area coverage for accessory structures.

(10) Required Roof Overhangs. All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with fascia and soffit on all sides, unless an alternative option is approved by the Village Board.

(11) Setback/Yard Requirements. Except where a zoning district requires specific setback standards, detached accessory structures shall not be closer than three (3) feet to any lot line.

(f) Use Restrictions - Residential District. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.

(g) Corner Lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.

(h) Landscaping Uses and Lawn Accessories. Accessory decorative lawn accessories, structures and vegetation used for landscaping may be placed in any required yard area. Permitted landscaping structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, walks, paths, paved terraces, ornamental pools, trees, shrubs and flowers and gardens, provided newly placed vegetation and accessories are located no closer than three (3) feet to a property or right-of- way line.

(i) Temporary Accessory Uses. Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.

(j) Garages in Embankments in Front Yards. Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:

- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
- (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
- (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.

(k) Outdoor Lighting. Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.

(l) Retaining Walls. Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.

(m) Children's Play Structures. For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the dimensional requirements of this Section, specifically height and setback standards, 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 the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.

(n) Terrace Area Restrictions. In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

(o) Offensive Uses Prohibited. No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.

(p) Prohibited Dwelling Use. No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.

(q) Gardening. Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.

(r) Dog Houses/Runs. Dog houses and/or runs shall comply with the setback requirements in Section 13-1-202.

(s) Agricultural Structures. Agricultural structures in properly zoned agricultural districts such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

(t) Tents; Fabric-Covered Structures; Hoop-Supported Structures.

(1) Prohibited Use as Permanent Accessory Structure. No tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, also known as a "polystructure", may be used as a permanent accessory structure in a non-agricultural district without Village Board approval; such structures may be erected and used no more than one hundred eighty (180) days per year without being removed. An exception is that a plastic or fabric-covered hoop-supported or tubular greenhouse may be maintained if used exclusively for personal greenhouse use.

(2) Anchoring Requirement. Any permitted tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame shall be fastened or anchored in a stable manner to the ground.

(3) Limitations on Utility Service. No plumbing, electrical, heating or other utility service may be installed in a tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame except for seasonal use in personal greenhouses. A tent shall not be used as a dwelling other than for temporary recreational use.

(4) Compliance with Accessory Building Requirements. Any tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, shall comply with the dimensional and yard/setback requirements of this Section.

(u) Design Standards for Detached Accessory Buildings; Architectural Requirements. Except where more restrictive requirements exist for accessory structures elsewhere in this Section, the following standards shall be complied with for residential detached accessory structures in platted subdivisions only exceeding one hundred and fifty (150) square feet:

(1) Architectural Consistency Requirements in All Residential Zoning Districts.

a. Accessory buildings shall have a design composition which is architecturally consistent with the principal building, and shall incorporate similar complimentary design elements and colors where visible to the public; the roof pitch and roof line of an accessory building shall be the same or similar to that of the principal building. This Subsection is not applicable to greenhouses.

b. Accessory building walls clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the visual plane of the wall. This may be done by the addition of windows, gable end wall treatments, siding design and accent panels, protruding pilasters, or other architectural design treatments consistent with the principal building design.

c. In all residential districts in addition to the above requirements, detached accessory structures shall utilize similar exterior wall siding materials as then exist on the principal residential structure on the property. In the case of principal residential structures in all residential districts utilizing exterior brick, stone or masonry, similar brick, stone or masonry materials shall be used on the front portion of the exterior walls of the detached accessory structure or any publicly visible elevation. At a minimum, a thirty (30) inch high masonry base should be included on elevations visible from public view. Masonry, stone or brick accents or trim elements matching similar components on the principal residential structure are acceptable to complement a residence constructed with brick, stone or masonry siding materials. For the remainder of the accessory structure located in a residential district with a brick, stone or masonry residence, siding materials shall resemble siding materials utilized on at least one (1) other non-brick/masonry residential structure found on an adjacent or on the same block in the residential neighborhood, if any, provided that such comparison structure must meet the minimum design standards of this Section.

(2) Exterior Finishes and Materials.

a. The exterior walls of accessory structures shall be clad with: cement fiber siding; engineered composite siding; wood; wood shakes; wood clapboards; vinyl, steel or aluminum beveled siding; brick, stone or other masonry-type veneer materials; non-reflective painted metal cladding; or similar materials approved by the Building Inspector. The color and texture of exterior wall materials shall be similar to the color used on the exterior of the principal residential structure where visible to the public. Accessory structures in residential districts visible to the public shall utilize exterior wall materials of similar type, color and texture as found on the principal structure on the lot. Pole-type construction accessory structures in a Residential District may only be permitted if the criteria herein can be met.

b. Roofs of all accessory structures on residential parcels shall be covered with asphalt shingles; wood or shake shingles; standing painted metal siding; tile roofing; or slate roofing. Accessory structures in residential districts shall have roof lines and angles similar to the roof lines and angles of the principal residential structure on the property. No flat roofs shall be permitted on accessory structures (boathouses excepted) unless the principal residential structure has a flat roof covering more than half of the residence, excluding a garage or carport flat roof feature attached to the principal residential structure.

c. Galvanized, reflective or unpainted corrugated exterior metal siding or roof finishes are not permitted on detached accessory structures. Any metal walls or roofing shall be not less than 26 gauge, roll-formed ribbed sheeting with a factory-applied non-reflective finish with a manufacturer's warranty of not less than twenty (20) years for the metal and finish. The use of used metal siding/roofing is not permitted.

d. The use of decorative stone, stone veneer, and brick is required on accessory structures in residential districts per Subsection (g)(l)c above and is encouraged with other non-agricultural accessory structures on parcels with a primarily residential purpose.

e. For structures twenty (20) feet in length or greater, roof design shall include architectural distinction to interrupt the visual continuity of the roof. The inclusion of a roof cupola, roof dormers or roof line changes would act as acceptable architectural elements.

f. Detached accessory structures shall not have a rooftop deck (boathouses excepted).

g. All accessory structures and garages shall be constructed of durable materials and shall not utilize fabric/plastic/rubber materials or membranes used in such a fashion or manner so as to be a substitute for building walls and/or roof or roofs of said accessory structure or garage.

h. Detached accessory structures should have windows established on at least two

(2) walls.

(3) Anchoring. Accessory buildings with foundations shall be secured with anchor bolts. Accessory buildings not located on a foundation shall be provided with suitable anchoring to the ground.

(4) Lot Area Determination. The dimensions of any swimming pool, children's play structure, detached garage, dedicated sports court, detached gazebo or pergola, and other detached accessory buildings/ structures shall be included in the determination of available lot area coverage for accessory structures. Patios and decks are not included in such determinations.

(5) Required Roof Overhangs. All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with fascia and soffit on all sides, unless an alternative option is approved by the Village Board. No portion of the accessory building, including roof eaves, shall extend across a property line.

(6) Placement on Easements. Accessory structures are prohibited from being placed within any recorded easement.

(v) Decks; Patios; Gazebos; Pergolas. The following require an accessory building zoning permit and shall comply with the following requirements:

(1) Decks. Decks which are constructed six (6) inches or more above lot grade, and which are attached to or closer than eight (8) feet to the principal structure, shall be considered a part of the principal structure and shall comply with the setback requirements for principal structures in that zoning district. Freestanding decks separated from the principal shall be located a minimum of eight (8) feet from the principal structure and shall comply with the setback requirements for accessory structures in that zoning district. Decks constructed less than six (6) inches above lot grade shall comply with the setback requirements for patios.

(2) Patios. Patios, constructed at or below lot grade, shall comply with the setback requirements for accessory structures in that zoning district.

(3) Gazebos; Pergolas. A gazebo or pergola connected with a deck which is attached to the principal structure shall comply with the setback requirements for principal structures in that zoning district. Freestanding gazebos or pergolas shall comply with the setback requirements for accessory buildings in that zoning district. A gazebo or pergola shall not exceed two hundred forty (240) square feet in size.

(w) Air Conditioning Compressors. Central air conditioning compressors are permitted in the rear yard or side yard without a permit, provided that the compressor shall be located a minimum of five (5) feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the side or rear yards due to unique practical limitations with a lot, the Building Inspector may permit placement in the street yard provided that the air conditioning compressor is screened from view.