

# Posted on the Town Hall bulletin board and on the town website on November 20, 2024

## NOTICE OF PUBLIC HEARING

### AMENDMENTS TO THE ZONING CODE, Town of Trenton

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town of Trenton Plan Commission and Town Board at the Town of Trenton Town Hall, 1071 STH 33 East, West Bend, WI at 6:40 p.m. on December 09, 2024. The Public Hearing will be held to consider amendments to the Zoning Code of the Town of Trenton. The following is a full draft of the proposed amendment.

#### Town of Trenton, Washington County

#### Ordinance Amending the Zoning Code of the Town of Trenton Regarding Accessory Structures.

**Section 1.** Amending §380-107 Accessory uses or structures, as follows:

***Remove all of §380-107.*** and replace with:

§380-107 Accessory uses or structures.

A. General standards for all districts.

- (1) Permit required. Prior to construction, a Town building permit is required for any accessory structure. The applicant shall submit design information and a proposed site drawing at the time of filing.
- (2) Principal use to be present. 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. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (3) The requirements of this section shall comply with all accessory structures, including:
  - (a) Accessory structures consisting of tubular frames and canvas outer skin or any type of frame and any type of covering.
  - (b) Accessory structures placed on wheels, skids, etc., except for the purpose of agricultural use, such as a chicken tractor.
- (4) Attached accessory structures. All accessory structures which are attached to the principal structure shall comply with the yard requirements of the principal structure.
- (5) Size and height standards:
  - (a) Square footage is calculated on the base of the structure. Square footage for the permit fee is the total of all floor space.
  - (b) Accessory structures may have a second floor but in no case shall any accessory structure have more than two floors, including a basement level.
  - (c) Accessory structures shall not exceed the height of the principal residence.
  - (d) Height shall be determined by measuring from the grade line to a structure's ridge line.
- (6) Reversed 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 feet to the sideline of the adjacent structure.
- (7) Landscaping, decorative use and lawn accessories.
  - (a) Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, trees, shrubs and flowers and gardens.

- (b) Walks, drives, paved terraces and purely decorative garden accessories, such as pools, fountains, statuary, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
  - (8) Temporary 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.
  - (9) Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
  - (10) Retaining walls. Retaining walls may be permitted anywhere on the lot with the following provisions:
    - (a) No individual wall shall exceed six feet in height;
    - (b) A retaining wall with fencing erected on top of the wall shall not exceed a combined height of six feet, except that in the front yard, the combined height shall be limited to three feet;
    - (c) A terrace of at least three feet in width shall be provided between any series of such walls; and
    - (d) Along a street frontage no such wall shall be closer than five feet to the road right-of-way.
  - (11) No reduction of land area through land divisions of any kind (including transfers of land between abutting property owners) shall be allowed if the property owner has constructed the maximum number and/or square footage of accessory structure(s) allowed, unless the accessory structure(s) is reduced in number and/or size prior to the land division occurring to meet the requirements of Town Ordinances for the reduced-size parcel.
- B. Additional standards for residential districts. An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) All residential districts:
    - (a) Permitted accessory structures are incidental to the residential use, and include such structures as the following:
      - [1] Private detached garages.
      - [2] Gardening, tool and storage sheds.
      - [3] Greenhouses.
      - [4] Poultry houses.
      - [5] Other similar structures.
    - (b) An accessory structure permitted as a chicken coop no larger than 100 square feet shall not be considered in number or total area of accessory structures permitted.
    - (c) The use of semitrailers, freight containers, or other types of similar storage containers as accessory structures is prohibited.
    - (d) Metal accessory structures require architectural approval by the Plan Commission, including the following:
      - [1] Color.
      - [2] Height, which cannot exceed the height of the residence measured at the front door of the residence
      - [3] Architecture which is pleasing and compatible with the surrounding.
      - [4] Appropriate landscaping.
      - [5] Exterior lighting shall be aimed at a downward angle and shall not be aimed at, illuminate, or encroach upon neighboring properties.
    - (e) Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry.
    - (f) Accessory structures shall not be occupied as a dwelling unit.

- (g) Accessory structures shall be building code compliant, meeting all building restrictions in the Town of Trenton.

(2) Lake lots

- (a) Accessory uses and detached accessory structures are permitted in the street yard of lots abutting a lake, provided that such use or structure shall not be closer than 10 feet to the principal structure, shall not occupy more than 20% of the street yard area, shall not be closer than five feet to a side lot line and shall not be closer than 15 feet to the right-of-way of a public or private road.
- (b) Accessory structures 26 feet or less in width shall not be more than 15 feet in height; accessory structure height may be increased two feet for every four feet of width added beyond 26 feet but shall in no case exceed 35 feet in height.

(3) Nonlake lots

- (a) Accessory uses and detached accessory structures in R-1 through R-8 Residential Districts and CES Country Estates Districts are permitted in the rear or side yards of lots not abutting a lake, unless otherwise noted, provided that such use or structure shall meet all Building Code separation footage from the principal dwelling.
- (b) The accessory structure shall not occupy more than 20% of the rear yard.
- (c) The accessory structure shall conform to Washington County Planning and Parks setbacks for sanitary systems.
- (d) In R-1 through R-8 Residential Districts, minimum rear and side yards of 10 feet from accessory structures shall be required.
- (e) In CES Country Estates Districts, minimum rear and side yards of 50 feet from accessory structures shall be required, except that on lots fronting a cul-de-sac, a minimum side yard of 25 feet from accessory structures shall be required.
- (f) Accessory structures 26 feet or less in width shall not be more than 15 feet in height; accessory structure height may be increased two feet for every four feet in width added beyond 26 feet but shall in no case exceed 35 feet in height.

C. Provisions for accessory structures in specific districts. Note that number and size limitations are detailed in Table 107-1 (residential districts) and Table 107-2 (agricultural districts).

(1) R-1 Single-Family Residential District (Unsewered) and R-2 Single-Family Residential District (Unsewered). In addition to the general standards listed in subsections A. and B. above, the following size and number provisions apply in the R-1 and R-2 Districts:

- (a) A maximum of two accessory structures shall be permitted.
- (b) A maximum total area of 800 square feet shall be permitted for accessory structures.
- (c) Accessory structure area may be increased by 100 square feet for each acre over one acre per parcel or fraction thereof, with a maximum total combined area of 1,800 square feet.

(2) R-3 Rural Residential District and C-1 Conservancy District. In addition to the general standards listed in subsections A. and B. above, the following provisions apply in the R-3 and C-1 Districts:

- (a) A maximum of two accessory structures shall be permitted on parcels less than or equal to 10 acres, and a maximum of three accessory structures shall be permitted on parcels greater than 10 acres.
- (b) A maximum total area of 1,000 square feet shall be permitted for accessory structures.
- (c) Accessory structure area may be increased by 100 square feet for each acre over three acres per parcel or fraction thereof, with a maximum not to exceed 3,200 square feet on any parcel.
- (d) Loafing sheds permitted. Notwithstanding the permitted accessory structure requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback,

number of stalls, and any other aesthetic concerns. If there are no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

- (e) Accessory structures may be placed in the street yard setback forward of the dwelling with the following conditions:
  - [1] The lot must conform to the minimum width standard of 300 feet.
  - [2] The setback must meet the minimum setback from the right-of-way in R-3 zoning.
  - [3] The structure must be at least 10 feet from the dwelling but cannot be more than 30% of the road right-of-way setback from the dwelling.
  - [4] The accessory structure must match the roof pitch in the front decor of the dwelling.
- (3) R-4 Single-Family Residential District (Sewered), R-5 Single-Family Residential District (Sewered), R-6 Two-Family Residential District (Unsewered) and R-7 Two-Family Residential District (Sewered). In addition to the general standards listed in subsections A. and B. above, the following provisions apply in the R-4, R-5, R-6 and R-7 Districts:
  - (a) A maximum of two accessory structures shall be permitted.
  - (b) A maximum total area of 800 square feet shall be permitted for accessory structures on parcels up to one acre. A maximum total area of 900 square feet shall be permitted on parcels over one acre.
- (4) R-8 Multiple-Family Residential District (Unsewered). Permitted accessory structures shall be considered by application to the Plan Commission.
- (5) CES Country Estates Districts. In addition to the general standards listed in subsections A. and B. above, the following provisions apply in the CES-5 and CES-10 Districts:
  - (a) General standards. The following general standards shall apply to accessory structures in the Country Estates Districts:
    - [1] Accessory structures are allowed in the rear or side yard.
    - [2] Side yard setback shall be 30 feet and must be at least 150 feet from a neighboring residence.
    - [3] Height of an accessory structure shall be a maximum of 35 feet.
  - (b) Plan Commission approval required. All accessory structures constructed in Country Estates Zoning Districts require Plan Commission approval. The following application materials must be included in the application:
    - [1] Plat of survey prepared by a Wisconsin-registered land surveyor which accurately depicts and dimensions the proposed location of the accessory structure. The accessory structure shall be located as depicted on the survey or as approved by the Plan Commission.
    - [2] Specific exterior structure dimensions shall be included, including height.
    - [3] Color.
    - [4] The accessory structure shall be compatible and architecturally pleasing with the surrounding area.
    - [5] Landscape plan for the surrounding area.
    - [6] Exterior lighting shall be aimed at a downward angle and shall not be aimed at, illuminate, or encroach upon neighboring properties.
  - (c) The Plan Commission may recommend to the Town Board or the Town Board may increase the minimum required setbacks of the accessory structure(s) as deemed necessary.
  - (d) Loafing sheds permitted. Notwithstanding the permitted accessory structure requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns. If there is no livestock on the

property for a period of six months, the loafing shed located on the property must be removed.

- (e) The materials for construction of the accessory structure shall be consistent with the materials represented by the applicant to the Plan Commission and shall remain consistent throughout the useful life of the accessory structure.
  - (f) The property owner and the property owner's successor and assigns shall maintain landscaping and screening consistent with a plan for the accessory structure approved by the Plan Commission throughout the useful life of the accessory structure.
  - (g) Construction of the accessory structure shall not commence until an approved landscape plan is agreed to by the property owner and the Plan Commission. The landscape plan can be submitted with the structure plans as part of the structure approval process.
  - (h) The accessory structure shall not be rented or leased to any person, nor may the accessory structure be used by any person other than the owner of the property upon which the accessory structure is located.
  - (i) CES-5 Country Estates District (five-acre minimum) number and size limitations:
    - [1] A maximum of three accessory structures totaling no more than 1,600 square feet on parcels up to six acres.
    - [2] Accessory structure area may be increased by 100 square feet for each acre over six acres per parcel or fraction thereof, with a maximum area not to exceed 2,000 square feet on any parcel.
    - [3] If a single accessory structure is constructed to the maximum square footage allowed for the parcel, no additional accessory structures shall be allowed on the parcel.
  - (j) CES-10 Country Estates District (ten-acre minimum) number and size limitations:
    - [1] A maximum of three accessory structures totaling no more than 2,400 square feet on parcels up to 12 acres.
    - [2] Accessory structure area may be increased by 100 square feet for each acre over 12 acres per parcel or fraction thereof, with a maximum area not to exceed 3,200 square feet on any parcel.
    - [3] If a single accessory structure is constructed to the maximum square footage allowed for the parcel, no additional accessory structures shall be allowed on the parcel.
- (6) A-1 Agricultural District. In addition to the general standards listed in subsection A. above, the following provisions apply to accessory structures in the A-1 Agricultural District, regardless of agricultural or non-agricultural use:
- (a) Number and size limitations:
    - [1] A maximum of two accessory structures shall be permitted.
    - [2] A maximum total area of 800 square feet shall be permitted for accessory structures.
    - [3] Accessory structure area may be increased by 100 square feet for each acre over one acre per parcel or fraction thereof, with a maximum not to exceed 1,700 on any parcel.
    - [4] Approval of additional number or size of accessory structures above the limits stated may be approved at the sole discretion of the Plan Commission upon application.
  - (b) An accessory structure permitted as a chicken coop, no larger than 100 square feet, shall be exempt from total number and square footage of accessory structures permitted.
  - (c) Loafing sheds permitted. Notwithstanding the permitted accessory structure requirements in this subsection, loafing sheds may be permitted as temporary

structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns. If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

(7) AT, EA and AE Agricultural Districts. In addition to the general standards listed in subsection A. above, the following provisions apply in the AT, EA and AE Districts, for parcels of at least 35 acres:

- (a) Accessory structures for agricultural use shall be permitted with no limit as to number or size.
- (b) Accessory structures for nonagricultural use shall not exceed two structures totaling no more than 3,200 square feet
- (c) Permitted non-agricultural accessory structures are permitted in the rear yard or side yard, shall not exceed 35 feet in height to the ridgeline of the roof and shall comply with the setback requirements of the district.
- (d) Accessory structures may be placed in the street yard setback forward of the dwelling and must comply with the minimum setback from the road right-of-way.
- (e) Loafing sheds permitted. Notwithstanding the permitted accessory structure requirements in this subsection, loafing sheds may be permitted as temporary structures at the sole discretion of the Plan Commission and the Town Board with conditions such as limitations and restrictions relating to height, width, setback, number of stalls, and any other aesthetic concerns. If there is no livestock on the property for a period of six months, the loafing shed located on the property must be removed.

**Table 107-1**  
**Accessory Structures Number and Size Limitations - RESIDENTIAL ZONING DISTRICTS**  
 Number of Accessory Structures indicated in (); Total Square Footage indicated after ()  
 Example: (2) 800 = 2 accessory structures totaling no more than 800 sq ft

Parcel Size (Acres)	R-1, R-2 Districts	R-3, C-1 Districts	R-4, R-5, R-6, R-7 Districts	CES-5 District	CES-10 District
<=1	(2) 800	N/A	(2) 800	N/A	N/A
>1, up to 2	(2) 900	N/A	(2) 900	N/A	N/A
>2, up to 3	(2) 1,000	(2) 1,000	N/A	N/A	N/A
>3, up to 4	(2) 1,100	(2) 1,100	N/A	N/A	N/A
>4, up to 5	(2) 1,200	(2) 1,200	N/A	N/A	N/A
>5, up to 6	(2) 1,300	(2) 1,300	N/A	(3) 1,600	N/A
>6, up to 7	(2) 1,400	(2) 1,400	N/A	(3) 1,700	N/A
>7, up to 8	(2) 1,500	(2) 1,500	N/A	(3) 1,800	N/A
>8, up to 9	(2) 1,600	(2) 1,600	N/A	(3) 1,900	N/A
>9, up to 10	(2) 1,700	(2) 1,700	N/A	(3) 2,000	(3) 2,400
>10, up to 11	(2) 1,800	(3) 1,800	N/A	N/A	(3) 2,400
>11, up to 12	N/A	(3) 1,900	N/A	N/A	(3) 2,400
>12, up to 13	N/A	(3) 2,000	N/A	N/A	(3) 2,500
>13, up to 14	N/A	(3) 2,100	N/A	N/A	(3) 2,600
>14, up to 15	N/A	(3) 2,200	N/A	N/A	(3) 2,700
>15, up to 16	N/A	(3) 2,300	N/A	N/A	(3) 2,800
>16, up to 17	N/A	(3) 2,400	N/A	N/A	(3) 2,900
>17, up to 18	N/A	(3) 2,500	N/A	N/A	(3) 3,000
>18, up to 19	N/A	(3) 2,600	N/A	N/A	(3) 3,100
>19, up to 20	N/A	(3) 2,700	N/A	N/A	(3) 3,200
>20, up to 21	N/A	(3) 2,800	N/A	N/A	(3) 3,200
>21, up to 22	N/A	(3) 2,900	N/A	N/A	(3) 3,200
>22, up to 23	N/A	(3) 3,000	N/A	N/A	(3) 3,200
>23, up to 24	N/A	(3) 3,100	N/A	N/A	(3) 3,200
>24	N/A	(3) 3,200	N/A	N/A	(3) 3,200

<b>Table 107-2</b> <b>Accessory Structures Number and Size Limitations - AGRICULTURAL ZONING DISTRICTS</b> Number of Accessory Structures indicated in (); Total Square Footage indicated after () Example: (2) 800 = 2 accessory structures totaling no more than 800 sq ft			
<b>NON-AGRICULTURAL USE</b>		<b>AGRICULTURE OR NON-AGRICULTURE USE</b>	
<b>Acres</b>	<b>EA, AT</b>	<b>Acres</b>	<b>A-1</b>
>=35	(2) 3,200	<=1	(2) 800
		>1, up to 2	(2) 900
		>2, up to 3	(2) 1,000
		>3, up to 4	(2) 1,100
		>4, up to 5	(2) 1,200
		>5, up to 6	(2) 1,300
		>6, up to 7	(2) 1,400
		>7, up to 8	(2) 1,500
		>8, up to 9	(2) 1,600
		>9, up to 10	(2) 1,700
		>10	by application to PC
<b>AGRICULTURAL USE ONLY</b>			
>=35	No limit as to number or size		

**Section 2.** Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

**Section 3.** Effective date. This ordinance shall be effective upon publication or posting under applicable law.

By: Mike Lipscomb, Trenton Town Chairman/Trenton Plan Commission Chairman  
 Dated this 11<sup>th</sup> day of November 2024.