

**Proposed Zoning Amendments
Town Of Spider Lake Plan and Review Commission
Public Hearing - 9/9/09**

Proposed Zoning Amendments on the following:

4.2 Standard District Regulations, Amend: 4.2 G) Accessory Uses and Structures

4.4 Shoreland Regulations, T) Structures With Nonconforming Shoreline Setbacks Amend: 4.4 T) 2) a) (2), 4.4 T) 2) b), 4.4 T) 3), 4.4 T) 4) d).

2.2 Words and Definitions, Create: Attic

Proposed Zoning Amendments

4.2 Standard District Regulations

Reads:

G) Accessory Uses and Structures

Any permanent, roofed structure serving as an accessory building, if attached to the principal building shall be considered a part of the principal building. If such a structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the Zoning District within which it is located. The construction of accessory buildings on unimproved property is prohibited except on access lots where specifically permitted in this Ordinance.

Change to read:

G) Accessory Uses and Structures

- 1) Any permanent, roofed structure serving as an accessory building, if attached to the principal building shall be considered a part of the principal building. If such a structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the Zoning District within which it is located.
- 2) The construction of accessory buildings on unimproved property is prohibited except on access lots where specifically permitted in this Ordinance.

Create:

- 3) **Plumbing is prohibited in an accessory building unless the owner obtains a conditional use permit allowing plumbing. Use of an accessory building as a dwelling unit is prohibited.**

Create:

- 4) **A new dwelling unit may be constructed on a lot containing an existing dwelling unit provided that a land use permit is issued for the new dwelling and for the demolition of the existing dwelling unit or the conversion of it to an accessory building. In granting a land use permit, the Zoning Administrator shall attach the following conditions to the permit:**
 - a) **The existing dwelling unit will be demolished or changed to an accessory building.**
 - b) **If the existing dwelling unit is to be changed to an accessory building, all plumbing shall be removed within 30 days from the time of occupancy of the new dwelling unless a conditional use permit allowing plumbing is issued at or before the time that the land use permit is issued.**
 - c) **If the existing dwelling unit is to be demolished, demolition must be completed within 30 days from the time of occupancy of the new dwelling. If demolition is not completed within the 30 days allowed, then the town may impose the fines set out in Section 9.3 of the land use ordinance against owners and persons who applied for the land use permit for the new dwelling. Such persons also agree that they are subject to injunctive relief, and payment of court costs and attorney's fees incurred by the town to enforce compliance.**

d) The owner or the owner agent shall notify the Zoning Administrator within 5 business days of the earlier date of the occupancy permit being issued or occupancy taken. Failure to notify the Zoning Administrator shall be deemed a separate violation of Section 9.3 of the land use ordinance and such violation shall subject the owners and persons who applied for the permit to the fines set out in Section 9.3 of the land use ordinance. Such persons also agree that they are subject to injunctive relief and payment of court costs and attorney's fees incurred by the town to enforce compliance.

4.4 Shoreland Regulations

T) Structures With Nonconforming Shoreline Setbacks

WDNR Administrative Rule NR 115 (3) (e) addresses nonconforming uses. Alterations or additions are regulated. A conforming structure shall not be converted to a nonconforming structure by use of this section. Dwellings constructed based on an average setback from navigable waters are considered to be conforming to that setback. (6/26/06)

Expansion/additions/construction activities begins at the closest point of new construction to the OHWM.

Structures nonconforming to both shoreline and non shoreline setbacks (e.g. lot line set backs, road setbacks etc) may be expanded in accordance with the shoreline setback provisions of this section provided that the non-shoreline setback(s) nonconformance is not made more severe.

- 1) General:
 - a) Attached uninhabitable structures (i.e., attached garage) may be converted to habitable area with the issue of a land use permit.
 - b) Additions/alterations begin at the closest point of construction/alteration to the OHWM (i.e., point where new roof ties into an existing roof etc.). (6/26/06)
- 2) Nonconforming principal structures (includes all dwellings any portion of which is less than 75 feet from the OHWM of navigable waters).
 - a) A nonconforming principal structure any portion of which is less than 40 feet from the OHWM is permitted ~~ORDINARY MAINTENANCE AND REPAIR~~ ordinary maintenance and repair and ~~INTERNAL IMPROVEMENT~~ internal improvement. Expansion is not allowed except by variance.
 - (1) New basements, additional stories, lofts, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are not allowed except by variance.

Change to Read:

- (2) Replacement of foundation and/or roof support systems is allowed only per 4.4 (T)(~~3~~) **(4)** and shall meet the requirements of Section 4.4 (R) ~~MITIGATION~~ mitigation.

Change to Read:

- b) A nonconforming principal structure no portion of which is less than 40 feet from the OHWM is permitted ~~ORDINARY MAINTENANCE AND REPAIR~~ ordinary maintenance and repair and ~~INTERNAL IMPROVEMENT~~ internal improvement Replacement of foundation or roof support systems is allowed only per 4.4(T)(~~3~~) **(4)** and the issue of a land use permit. Such structures may also be expanded provided a land use permit is obtained and:
 - (1) The existing structure includes at least 500 square feet of enclosed, habitable living space.
 - (2) Additions are located on the landward side of the structure.
 - (3) If an addition extends beyond the 75-foot setback, only that portion which is 75 feet or more from the OHWM may extend toward the side yard.
 - (4) The total footprint, including the existing structure and proposed addition, does not exceed 1500 square feet and the habitable living area does not exceed 3000 square feet, nor violate the impervious surface limitations of Section 4.4(U). ~~IMPERVIOUS SURFACE LIMITATIONS~~ impervious surface limitations.

- (5) A maximum height of 26 feet from the lowest grade to the highest peak of the building is not exceeded.
- (6) Basements may be converted to walkout basements only on the landward side.
- (7) Standard erosion and storm water runoff control measures must be implemented.
- (8) Mitigation shall meet the requirements of Section 4.4(R) ~~MITIGATION~~-mitigation. ~~details.~~

Change to Read:

- 3) Nonconforming accessory structures. All nonconforming accessory structures are limited to ~~ORDINARY MAINTENANCE AND REPAIR~~ **ordinary maintenance and repair**. Replacement of foundation or roof support systems is allowed only per 4.4(T) ~~(3)~~ **(4)** below and may require mitigation. See Section 4.4(R) ~~MITIGATION~~ **mitigation**.
- 4) Replacement of Foundations and Roof Support Systems.
 - a) A land use permit is required for replacement of all structure foundations (i.e. basements, crawl spaces, piers, posts, slabs, etc.) and roof support systems (i.e. rafters, trusses, beams, purlins, etc.).
 - b) Exterior walls must remain in place. *(6/26/06)*
 - c) Foundation support components may be replaced to existing footprint dimensions only. Footings may be extended below the generally accepted frostline of the locality. Habitable area requiring exterior ingress/egress (i.e. walkouts, doors, windows etc.) shall not be created. *(6/26/06)*
 - d) Roof pitch may be increased for ventilation, snow-load or aesthetic purposes provided that:**
 - (1) Habitable space is not created.**
 - (2) Additional stories or lofts are not added.**
 - (3) A maximum height of 26 feet from the lowest grade [of the existing structure] to the highest peak of the renovated structure is not exceeded.**
 - (4) The vertical distance in feet from the main floor of the structure to the highest peak of the interior ceiling shall not exceed the greater of its current distance or 14 feet.**
 - (5) Any attic created shall not add additional habitable space and access to the attic area shall not exceed a twenty-four inch by twenty-four inch opening.**
 - (6) The original ridge line of the existing structure is maintained where feasible.**

Create Attic Definition: A space under the roof and above the ceiling of the topmost part of a structure.

- e) Mitigation may be required. See Section 4.4(R) ~~MITIGATION~~ **mitigation** for details.
- f) Standard erosion and storm water runoff control measures must be implemented.