

To: Lodi Plan Commission
From: Stephen Tremlett, AICP, Zoning Administrator
Subject: Potential Amendment to Chapter 340-11 (Accessory Buildings and Uses)
Date: May 5th, 2022

Request

Consider an amendment to Chapter 340-11(B) that currently requires detached accessory buildings to be a minimum of 6 feet from the principal structure.

Background Information

The building inspector has had several building permit requests for installing sheds near their principal structure with many planned to be abutting their garage. City zoning ordinance requires all accessory structures, including (tool)sheds, to be a minimum of six feet from the principal structure (and three feet from any property line). While reviewing these proposals, the building inspector noted many sheds in the community are in fact closer than 6 feet from the principal structure.

Fire protection is the primary concern with detached accessory structure placement near the principal structure; however, building codes allow for structures to be closer than six feet with a minimum of ¾-hour fire rated construction (per WI Uniform Dwelling Code, Table 321.08 table – shown on the right). Fire-rated construction is not required if accessory structures are built/installed more than 10 feet from the principal structure. In the past sheds were reviewed only by the building inspector, as it is generally a building code issue; however, it fair to question why six feet minimum separation (in the zoning ordinance) if it’s based on fire protection. Also should we require homeowners have sheds reviewed by both the zoning administrator and building inspector.

SPS 321.08 Fire separation and dwelling unit separation. (1) FIRE SEPARATION. Dwelling units shall be separated from garage spaces, accessory buildings, property lines and other dwelling units in accordance with Table 321.08 and the following requirements:

Table 321.08

Between Dwelling And:	Distance Between Objects ¹	Fire Rated Construction ^{2,5}
Detached garage or accessory building on same property	Less than 5 feet	¾-hour wall ³ 1/3-hour door or window ³
Another dwelling on same property	Less than 5 feet	¾-hour wall ⁴ 1/3-hour door or window ⁴
Detached garage, accessory building, or other dwelling on same property	5 to 10 feet	¾-hour wall ³ 1/3-hour door or window ³
Detached garage, accessory building, or other dwelling on same property	More than 10 feet	No requirements
Property Lines	Less than 3 feet	¾-hour wall 1/3-hour door or window
Property Lines	3 feet or more	No Requirements
Zero Lot Line	None	Follow sub. (2) (d) requirements

¹Distance shall be measured perpendicular from wall to wall or property line, ignoring overhangs.

²Fire rated construction shall protect the dwelling from an exterior fire source.

³Fire rated construction may be in either facing wall.

⁴Fire rated construction shall be in both facing walls.

⁵The methods for garage separation in par. (a) 1. are examples of ¾ hour wall construction.

Building inspector is okay with accessory structures closer than 10 feet to a dwelling if the wall parallel has a 45-minute fire wall per the Uniform Dwelling Code.

Applicable Zoning & Development Code Regulations

- Chapter 340-11 Accessory buildings and uses.

MEMO

5/05/2022

Recommendation

In review of other communities of similar size, I have found that most allow for accessory buildings closer than 10 feet with ¾-hour (or 1-hour) fire-rated construction. In some cases, they require 10 feet separation. In no cases did they require 6 feet, which appears arbitrary based on fire protection codes and codes in other communities.

Since fire protection is a building code concern, I would recommend the regulation match what is allowed per Wisconsin's SPS 321.08. While I could see removing this regulation entirely (leaving it to building code enforcement and permitting), it may prove beneficial to change the language to inform the Zoning Administrator and Plan Commission of the fire separation requirements for reviewing development proposals.

My recommended is noted in the attachment. If there is support for this change, there will be a public hearing scheduled at the next regularly scheduled Plan Commission meeting prior to an agenda item to consider recommending approval of the zoning amendment to City Council.

Sincerely,
MSA Professional Services, Inc.



Stephen Tremlett, AICP
Zoning Administrator

Enc: Chapter 340-11 (Accessory Buildings and Uses)

Changes indicated in *red*.

§ 340-11 **Accessory buildings and uses.**

Accessory uses may be allowed where they comply with the following conditions and requirements:

A. Size of accessory structures in residential districts. Accessory structures in residential districts may not occupy more than 25% of a required rear yard or 35% of any nonrequired rear yard. In no instance shall the accessory structure exceed the ground floor area of the main building used for residence. The measurement of accessory structure size shall include the total of all detached or attached accessory buildings on the lot. The total area of accessory structures on a single lot in residential districts shall not exceed 1,000 square feet in area, except when issued a conditional use permit under the terms and conditions of this chapter.

B. Separation from principal structures. Detached accessory buildings shall be distant at least ~~six ten~~ feet from the principal structure situated on the same lot, *unless applicable building code requirements for ¾-hour fire-rated construction is met. See Wisconsin Construction Standards, Table 321.08.*

C. Accessory structures in front yards limited. No attached or detached accessory use or accessory structure shall be permitted nearer to the front lot line than the legal front yard setback in the zoning district for the principal structure or the average setback of the principal structures on lots immediately adjoining the lot on the same side of the street, whichever distance is less. In no case may an accessory structure be located closer to a front lot line than the principal structure.

D. Accessory structure side and rear setbacks. All accessory structures shall be set back at least three feet from all interior lot lines. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than 20 feet to such rear lot line.

E. Accessory structure setbacks on corner lots. The average setback of the four, or fewer, nearest buildings may be used to determine the side street setback of an accessory building on a corner lot, but in no case shall the reduced setback be less than 20 feet. In no case may an accessory structure be located within the vision triangle as defined in § **340-19** of this chapter.

F. Accessory structure height. No accessory structure shall exceed 20 feet in height. "Height" for this purpose shall mean the vertical distance between the lowest aboveground point of the front of the structure and the peak of the roof. A cupola, no side of which exceeds three feet in length, and which does not extend more than four feet above the peak of the roof, shall not be included in measuring height. Any other cupola shall be included in the height measurement. Chimneys shall not be included in measuring height.

G. Accessory structures attached to principal buildings. When an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main buildings, including all yard setbacks. If after initial construction any detached accessory building is attached to the principal building, the newly attached accessory structure must meet all of the applicable yard setbacks for the principal structure.

H. Conversion of accessory structures to dwellings limited. The conversion of any accessory structure into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking.

I. Accessory structures without principal structure. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure.