

**ORDINANCE NO. 23-005**  
**AN ORDINANCE AMENDING CHAPTER 480 Zoning**  
**OF THE CODE OF ORDINANCES OF**  
**THE CITY OF OCONTO FALLS**  
**July 11, 2023**

The Common Council of the City of Oconto Falls, Oconto County, Wisconsin, does ordain that Zoning of the Code of Ordinances of the City of Oconto Falls are amended to read as follows:

## Chapter 480. Zoning

### Article II. Zoning Districts and Zoning Map

#### § 480-6. Single-Family Residence District (R-1).

[Amended 11-16-1979] [Amended Ord 23-005 July 11, 2023]

- A. The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- B. The following uses of land are permitted in this district:
  - (1) Single-family dwellings.
  - (2) Private garages for each residential parcel.
  - (3) Accessory buildings. (See § 480-50. Article XI)
  - (4) Unlighted signs of up to eight square feet for advertisements for the lease or sale of the premises, provided that all such signs must be located directly on the building involved or at least 15 feet from the nearest public sidewalk or street. Architecturally pleasing signs at entrances to distinctive residential areas may be permitted upon specific approval of the Planning Commission.
  - (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
  - (6) One unoccupied trailer or motor home vehicle located so as not to violate yard requirements, except that the occasional use by guests shall not be restricted.
- C. The following are permitted as conditional uses within this district:
  - (1) Customary home occupations, including window signs advertising the occupation, provided that they are no larger than two square feet and placed inside.
  - (2) Such other uses as may be approved by the Planning Commission.
- D. Within the R-1 District the following standards shall apply:
  - (1) Maximum building height: 35 feet.

- (2) Minimum front yard setback: 30 feet.
- (3) Minimum rear yard setback:
  - (a) Principal buildings: 25 feet.
  - (b) Accessory buildings: 7.5 feet.
- (4) Minimum side yard setback, principal and accessory buildings: 7.5 feet each side.
- (5) Minimum average lot width (this does not pertain to existing platted lots): 90 feet.
- (6) Minimum lot area: 10,800 square feet.
- (7) Minimum floor area, residential structure: 1,000 square feet.
- (8) Off-street parking, residential minimum: one space.
- (9) The minimum lot width for the construction of a duplex on an existing platted lot shall be 90 feet. The minimum lot width for the construction of a duplex on an unplatted lot shall be 100 feet.

§ 480-7. Multiple-Family Residence District (R-2).

[Amended 11-16-1979] [Amended Ord 23-005 July 11, 2023]

- A. The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- B. The following uses of land are permitted in this district:
  - (1) Single-family residence.
  - (2) Accessory buildings. (See also § 480-50, Article XI).
  - (3) Playgrounds and recreational and community center buildings and grounds.
  - (4) Graded schools.
  - (5) Churches and their affiliated uses.
  - (6) Rooming houses and boardinghouses.
  - (7) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged, homes for the care of the indigent, and similar institutions.
  - (8) Garages or parking spaces incident to the above uses, provided that there must be at least one space per dwelling unit of at least 300 square feet of lot area for each vehicle space. Parking spaces must be located behind the building line.
  - (9) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
  - (10) Water storage facilities and their accessory structures.
  - (11) Signs and bulletin boards for public or religious announcements.

- (12) Unlighted signs of up to eight square feet for advertisements for the lease or sale of the premises, provided that all such signs must be located directly on the building involved or at least 15 feet from the nearest sidewalk or street.
- (13) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (14) One unoccupied trailer or motor home located so as not to violate yard requirements, except that the occasional use by guests shall not be restricted.

C. The following are permitted as conditional uses within this district:

- (1) Multiple-family residential buildings including duplexes.
- (2) Customary home occupations as per § 480-6C (1).
- (3) Libraries, museums and art galleries.
- (4) Mobile home subdivisions.
- (5) Mobile home parks in conformance with Chapter 335 of the City Code.
- (6) Hospitals and clinics.
- (7) Funeral homes.
- (8) Telephone buildings, exchanges, lines and transformer stations.
- (9) Duplex condominiums and duplex conversion condominiums as defined by state statutes. [Added 1-10-2012 by Ord. No. 12-002]

D. Within the R-2 District the following standards shall apply:

- (1) Maximum building height: 45 feet.
- (2) Minimum front yard setback: 30 feet or to match adjacent buildings.
- (3) Minimum rear yard setback.
  - (a) Principal buildings: 25 feet.
  - (b) Accessory buildings: 7.5 feet.
- (4) Minimum side yard setback:
  - (a) Principal buildings: 7.5 feet each side. [See Subsection D(11) for additional requirements for condominiums and conversion condominiums.] [Amended 1-10-2012 by Ord. No. 12-002]
  - (b) Accessory buildings: 7.5 feet on each side.
- (5) Minimum average lot width: 60 feet.
- (6) Minimum lot area: 7,200 square feet.

- (7) Minimum floor area per family, duplex: 720 square feet.
- (8) Minimum floor area per family, other multiple: 600 square feet.
- (9) Off-street parking, residential: one space per dwelling unit.
- (10) The minimum lot width for the construction of a duplex on an existing platted lot shall be 90 feet. The minimum lot width for the construction of a duplex on an unplotted lot shall be 100 feet.
- (11) For condominiums and conversion condominiums, a zero-lot line is allowed between dwelling units. In review of a proposed zero lot line residential development; the following criteria shall be met.  
[Amended 1-10-2012 by Ord. No. 12-002]
  - (a) The proposed development complies with all other applicable provisions of this ordinance and the Oconto County Comprehensive Plan.
  - (b) Owners Agreement.
    - [1] An Owners Agreement shall be filed with application for approval, and shall include provisions as determined to be appropriate by the approving authority, for resolving the following items associated with the use, maintenance and repair of common areas and facilities:
      - [a] Assurance that the building and surrounding property will be used for residential purposes only;
      - [b] Provisions for the repair and maintenance of all common areas and facilities as well as a method of fair payment for such repairs and maintenance;
      - [c] Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior;
      - [d] Provisions for equitably resolving liens filed against areas of common responsibility or interest;
      - [e] Provisions granting access or easement to each owner for the purpose of maintaining or repairing the structure and related facilities;
      - [f] Assurance that the owner(s) will obtain insurance coverage in an amount not less than the full replacement value of the structure;
      - [g] Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty; and
      - [h] Provisions for emergency action by one party in the absence of the other where an immediate threat exists to the property of the former.
    - [2] Such Owners Agreement shall be filed with the Register of Deeds upon approval of the proposed development and shall become perpetual deed restrictions to the property.

## Article XI. Accessory Uses and Structures;

### § 480-80. Accessory uses and structures.

A. General. Accessory structures shall reflect or compliment the character or materials of the primary structure.

B. 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. No Accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.

D. No accessory use or structure shall be permitted without a principal use on a property.

### § 480-81 Principal Building required prior to Accessory Building.

A. 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.

### § 480-82 Placement Restrictions

A. Placement restrictions in residential districts. 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, a detached garage or attached garage and one additional accessory building may be placed on a lot.
- (2) Total attached and/or detached storage square footage cannot exceed that of the main floor dwelling space of the primary residence. Accessory buildings attached to the primary residence may not exceed 1,000 square feet.
- (3) Attached accessory buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- (4) Detached accessory buildings.
  - (a) No detached accessory building shall occupy any portion of the required street yard, and no detached accessory building shall be located within 7.5 feet of any other accessory building or lot line. An accessory building shall not be nearer than 10 feet to the principal structure unless the applicable building code regulations in regard to one-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.

B. Use restrictions in (R-1) Residential districts. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as

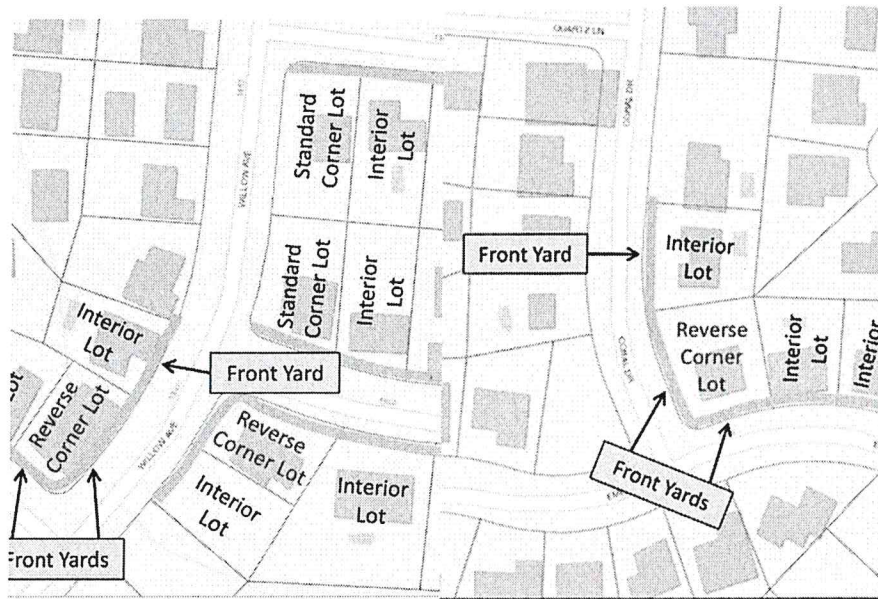


defined herein, and shall not be occupied as a dwelling unit.

- C. Placement restrictions in nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than 7.5 feet to any side or rear lot line.

Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the street yard required on the adjacent interior lot to the rear or nearer than three feet to the side line of the adjacent structure.

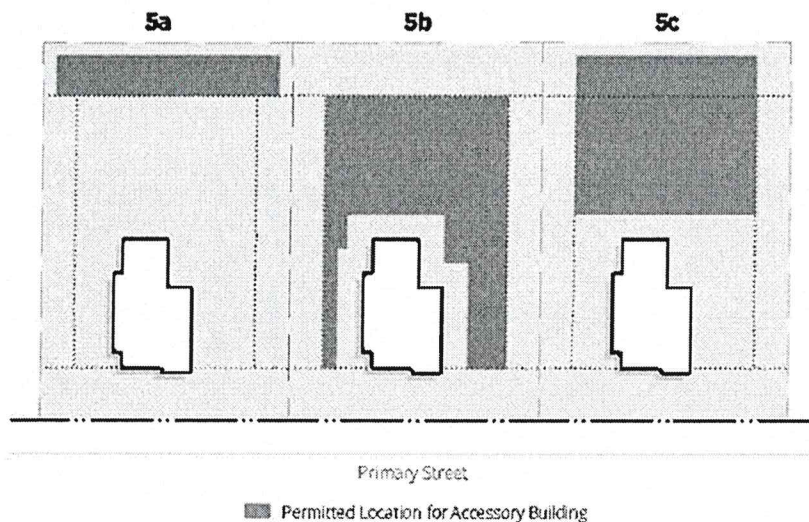
Image 480-82 C Reverse Corner Lots (Figure 1)



- D. Landscaping and decorative uses. 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.
- E. Temporary uses. Temporary accessory uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- F. Garages in embankments in street yards. Where the mean natural grade of a street yard is more than eight feet above the curb level, a private garage may be erected within the street yard, provided that:
- (1) Such private garage shall be located not less than six feet from the front lot line;
  - (2) The floor level of such private garage shall be not more than one foot above the curb level; and
  - (3) At least 1/2 the height of such private garage shall be below the mean grade of the street yard.

- G. 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.
- H. Lawn accessories. 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.
- I. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls, and provided further that along a street frontage no such wall shall be closer than three feet to the property line.

**Figure 480-83 (Figure 2): Accessory Building Placement**



## § 480-83 Accessory Structure

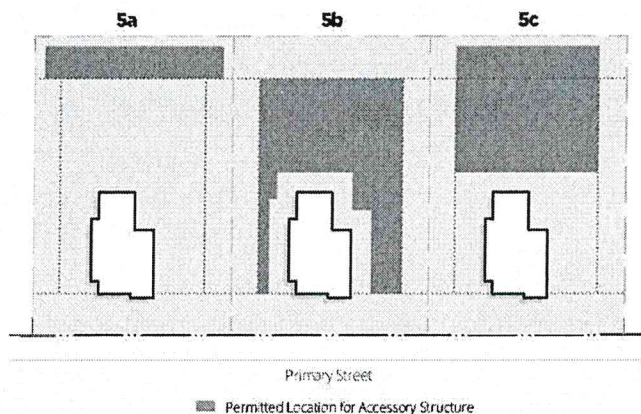
### Accessory Structure.

- (1) One (1) accessory structure shall be permitted per lot.
- (2) An accessory structure shall not exceed one hundred (200) square feet. Except for Chicken coop shall not exceed fifty (50) square feet.
- (3) An accessory structure shall not have a permanent foundation.
- (4) An accessory structure shall have a maximum height of eight (8) feet.
- (5) An accessory structure shall be located a minimum of ten (10) feet from the primary building.
- (6) Accessory structures shall be located per the following:
  - a. If located entirely within the required rear yard the accessory building must be located a minimum of seven and half (7.5) feet from side and rear property lines,



- b. If located entirely within the buildable area of the lot the accessory building must not be located between the primary building and the front property line,
  - c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory building must maintain the required side yard setback for the full length of the property and be a minimum of seven and half (7.5) feet from the rear property line.
- (7) Chicken coop and chicken run requirements:
- d. Shall comply with requirements of § 480-83 Accessory Structure
  - e. chickens shall be provided a covered roosting area (a chicken coop) and an enclosed area in which chickens are allowed to walk and run (a chicken run).
  - f. Chickens shall be kept in the chicken coop or the chicken run at all times on the property.
  - g. The chicken run area shall include an area fenced with materials to sufficiently contain chickens. A building permit shall be required for permanent fencing.
  - h. The chicken coop and chicken run shall be designed and maintained to be well-drained on the owner's property. There shall be no standing water.
  - i. The chicken coop and chicken run shall be kept clean, dry, and free of offensive odors pursuant to the City Ordinance § 480-54 Accessory Structure. The owner shall prevent accumulation of chicken waste in the chicken coop and chicken run by properly disposing of fecal matter on a regular basis.
  - j. The chicken coop shall not exceed eight (8) feet in height and shall be either placed on a paved surface or raised off the ground at least one (1) foot.
  - k. The chicken coop shall be located only in rear yards and shall be setback a minimum of seven and half (7.5) feet from all property lines.
  - l. For properties that have frontage on more than one (1) road or street, the rear lot line shall be opposite lot line along which the lot takes access to a street. The chicken coop shall be setback a minimum of seven and half (7.5) feet from all property lines and twenty-five (25) feet from streets.

#### 480-83 (Figure 3): Accessory Structure Placement





Effective Date. This Ordinance shall be effective upon passage by City Council and publication as required by law. The City of Oconto Falls Code of Ordinances is amended.

City Council Hereby Adopts City of Oconto Falls Ordinance 23-005, Amend Chapter 480 Zoning in the Code of Ordinances of the City of Oconto Falls. On this 11th Day of July, 2023.

STATE OF WISCONSIN, COUNTY OF OCONTO

OFFERED BY COUNCIL PERSON: WIRTZ    SECONDED BY COUNCIL PERSON: BAHRKE

AYES: 4      NAYS: 0      ABSENT: 2

Attest



Mayor Brad Rice

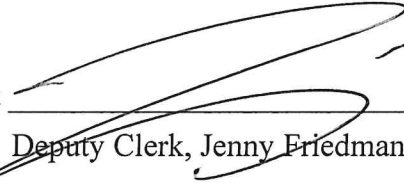
Attest



City Administrator Peter A. Wills

Date of Publication: Friday July 21, 2023  
Oconto County Times Herald

Attest



Deputy Clerk, Jenny Friedman

ADOPTED: 11th Day of July, 2023.

APPROVED: 11th Day of July, 2023

