ORDINANCE NO. 2316-13
By the Plan Commission

AN ORDINANCE AMENDING SECTION 15.04.420 OF THE MUNICIPAL CODE REGARDING RESIDENTIAL ACCESSORY BUILDINGS

The Common Council of the City of Brookfield do hereby ordain as follows:

PART I. Section 15.04.420 of the Municipal Code is amended to read as follows:

15.04.420 Residential accessory buildings—Regulations.
A. Permit Required. No person shall construct, install, enlarge or alter any yard maintenance building, cabana, gazebo, greenhouse or other similar building ("residential accessory buildings") unless a permit therefor has first been obtained from the director and all other applicable legal requirements are complied with. Applications for such permit shall be on forms provided by the director and shall be accompanied by such items referenced in Sections 15.04.140 through 15.04.260 as the director determines to be necessary or appropriate; provided, however, that:

1. In the case of premanufactured residential accessory buildings, two copies of the manufacturer’s plans, specifications and instructions may be submitted in lieu of plans referenced in Section 15.04.160(A).

2. A landscaping plan shall also be submitted as part of such application.

The director shall have the authority, as a condition to granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary or appropriate to carry out the provisions of this section. Notwithstanding anything herein to the contrary, no permit shall be required for any residential accessory building having an area of less than thirty (30) square feet.

3. If the residential accessory building is located a minimum of twenty (20) feet from the rear and side property lines and ten feet from all other buildings, the applicant may submit a survey which is over one year old. Any individual who is issued a permit with a survey which is over one year old shall, as a condition of accepting the permit, agree to indemnify and hold harmless the city, its officers and agents from all and any claims in the event that the residential accessory building is located within an easement, floodplain, drainageway or other similar encumbrance.

B. No more than a total of two (2) of the following residential accessory buildings shall be located on a residential property: cabana, gazebo, greenhouse, yard maintenance building. The combination of all accessory buildings shall comply with the maximum lot coverage regulations for the zoning district.

C.B. Construction Requirements.

1. Yard Maintenance Building. One (1) yard maintenance building shall be permitted on a residentially zoned property, subject to the following criteria:

ORDINANCE amending 5.04.420 re greenhouses
a. Location: A yard maintenance building shall be erected in the rear yard at least five feet from an interior lot line except as permitted in subsection (B)(1)(b) of this section.

b. In the case of through lots (lots with no rear offset area), yard maintenance buildings shall be placed in the rear yard and shall be placed with a distance of at least twenty (20) feet from the lot line facing the rear building elevation.

c. Construction Standards. A residential yard maintenance building shall be built in accordance with the general construction standards established in the UDC and the dimensional limitations and the requirements as to materials, appearance and location set for in Section 17.28.010(F)(6).

d. Additional Requirements.

i. Such building shall not be placed in an area adjacent to any swimming pool, tennis court, patio or other similar activity area of any adjacent properties.

ii. Such building shall be adequately screened along the elevation facing any street and interior lot lines with bushes or other foliage, such adequacy to be determined by the director.

iii. The maximum height of any yard maintenance building shall be not more than ten feet six inches.

iv. Such building shall be constructed on a permanent base consisting of, in the case of a yard maintenance building, at least six inches of sand or gravel and three-inch surface concrete anchored to the base with a length/width ratio not to exceed 2/1.

v. The area surrounding a yard maintenance building must be kept free of debris and equipment.

vi. Size is limited to one hundred eighty (180) square feet.

vii. Garden sheds may not exceed one hundred twenty (120) square feet on lots of less than twelve thousand (12,000) square feet.

2. Cabanas. One (1) cabana shall be permitted on a residentially zoned property, subject to the following criteria:

a. Location. No cabana shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot.

b. Construction Standards. A cabana shall be built in accordance with the general construction standards established in the UDC.
c. Additional Requirements.
   
i. A cabana shall not exceed two hundred (200) square feet in size.
   
ii. The maximum height of any cabana shall not exceed twelve (12) feet.
   
iii. Such building shall be constructed on a permanent base consisting of, in the case of a cabana, at least six inches of sand or gravel and three-inch surface concrete anchored to the base.
   
iv. The area surrounding a cabana must be kept free of debris and equipment.

3. Gazebos. One (1) gazebo shall be permitted on a residentially zoned property, subject to the following criteria:

   a. Location. No gazebo shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot.

   b. Construction Standards. A gazebo shall be built in accordance with the general construction standards established in the UDC.

   c. Additional Requirements.

      i. A gazebo shall not exceed two hundred (200) square feet in size.

      ii. The maximum height of any gazebo shall not exceed fifteen (15) feet.

      iii. Such building shall be constructed on a permanent base consisting of at least six inches of sand or gravel and three-inch surface concrete anchored to the base.

      iv. Fifty (50) percent or more of the walls shall be open or screened.

      v. The area surrounding a gazebo must be kept free of debris and equipment.

4. Greenhouses in residential districts. One (1) greenhouse shall be permitted on a residentially zoned property, subject to the following criteria:

   a. Location. No greenhouse shall be located in the setback or offset areas or within ten feet of any other building or structure on the subject lot. Greenhouses must be placed in the rear yard.

   b. Construction Standards. A greenhouse shall be built in accordance with the general construction standards established in the UDC.

   c. Additional Requirements.

ORDINANCE amending 5.04.420 re greenhouses
i. A greenhouse shall not exceed one hundred eighty (180) square feet in size.

ii. The maximum height of a greenhouse shall not exceed fifteen (15) feet.

iii. Such building shall be constructed on a permanent base consisting of at least six inches of sand or gravel and three-inch surface concrete anchored to the base.

iv. The area surrounding a greenhouse must be kept free of debris and equipment.

v. Temporary greenhouses shall be prohibited. Greenhouses must be constructed with glass or rigid plastic panels, in a framed structure which is secured to the concrete base.

vi. Greenhouses which are attached to the principal building are regulated by rules associated with building additions.

vi. A survey must be submitted to the Inspection Services Department as part of the plan review process. This survey must be less than one year old.

D. Exterior Finish Materials. A residential accessory building shall have exterior roof and siding finishes that are compatible with the primary structure on the subject lot and neighboring properties. Greenhouses shall have transparent walls and roof, made of glass or rigid plastic.

E. Plan Commission Approval Required. No permit under this section shall be issued for a greenhouse, cabana or gazebo unless and until the plan commission or its designee approves same as to appearance, materials and location so as to assure that same is harmonious with and not adverse to the values of adjacent or nearby properties. (Ord. 2148-08 § 2, 2008; Ord. 1755 § 1, 2000; prior code § 14.20)

PART II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED February 19, 2013

Kelly Michaels, City Clerk

Steven Ponto, Mayor

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ORDINANCE amending 15.04.420 re greenhouses