

Ordinance No. 11 - 2018

**An Ordinance Adopting Revised Village of Bristol
Accessory Building Regulations**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Section 13-1-400 "Accessory Uses or Structures" of the Village of Bristol Code of Ordinances is repealed in its entirety and is recreated to read as follows:

Sec. 13-1-400 Accessory Uses or Structures.

(a) Accessory Building Zoning Permit Required for Accessory Buildings.

(1) Accessory Building Zoning Permit Required; Application Requirements.

- a. No owner shall, within the Village of Bristol, build, construct, use or place any type of an accessory structure or building, including prefabricated accessory buildings, until an accessory building zoning permit shall have first been obtained. Application for an accessory building zoning permit shall be made in writing to the Building Inspector and shall include any fee required pursuant to the Village fee schedule.
- b. With such accessory building application, there shall be submitted the following information:
 1. A complete set of building plans and specifications;
 2. Three (3) copies of a site plan or drawing accurately showing the location on the entire lot of the proposed accessory structure with respect to distances to adjoining alleys, streets, property lines, easements, and other structures. The dimensions shall be shown of the lot, proposed accessory structure, principal structure (house), and any other accessory structures on the lot. A public street right-of-way is a property boundary line. The site plan must be drawn to scale, such as a scale of 1 inch = 20 feet; and
 3. A plat of survey, as prepared by a Wisconsin Registered Land Surveyor, shall be required when a conditional use permit is required under this Section per Subsection (e) below or if the property is located within or abuts a shoreland, wetland, floodplain, navigable waterway, or verification is difficult. If applicable, the Ordinary High Water Mark [two (2) feet above the 100-year floodplain elevation] and Wetland Delineation shall be shown.
- c. The required building plans and specifications shall include the following information:
 1. Floor plans, exterior dimensions, and a statement indicating the use of the accessory structure, including any second story area.
 2. Height of the accessory structure measured from the site lot grade to the peak of the roof peak and the building's exterior dimensions.
 3. Information and renderings illustrating design characteristics for all four sides of the proposed detached accessory structure, along with a current photograph of the principal structure on the parcel.
 4. Sufficiently detailed information on the type of construction and materials to be utilized, including that which is proposed to be used with the outside walls and roofing and the finish and color of such materials. Such information shall include what type of foundation and framing (type and spacing of lumber) is proposed to be used.
 5. In the case of a premanufactured residential accessory building, a copy of the manufacturer's plans, specifications and instructions shall be submitted, if provided.
 6. Description of the flooring and foundation to be used.
 7. When required, an approved landscape plan meeting the requirements of Section 13-1-445.

8. Any changes to the original information provided with the original application must be resubmitted for further review by the Building Inspector to ensure that the changes are still in compliance with the minimum standards set forth herein.

9. Any additional information required by Village officials.

(2) **Applicability to Temporary, Movable and Permanent Buildings.** For purposes of this Zoning Code, no regulatory distinction is made between temporary, permanent, prefabricated or movable accessory buildings (such as those mounted on skids); all such accessory structures require an accessory building zoning permit and shall comply with the standards of this Zoning Code. Sheds built off-site and moved onto a lot and prefabricated accessory structures require a permit.

(b) **Principal Structure/Use to be Present.**

(1) **Establishment of Principal Use Requirement.** 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, unless a special limited-duration, one-time waiver is granted by the Village Board due to unique circumstances or one of the limited exceptions in Subsection (b)(2) below exists.

(2) **Special Circumstances When an Existing Accessory Structure is Present.** A detached accessory structure that becomes the only structure on a lot as a result of a land division, a property line adjustment, or a demolition of the primary structure may remain on the lot if the owner has executed a contract with the Village and placed a deed restriction on the parcel with the County Register of Deeds as follows:

a. **For a land division,** the contract and deed restriction must require the owner to remove the accessory structure if, within two (2) years of final plat or certified survey map approval, a principal structure has not been built and received final inspection. The contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the final land division approval.

b. **For a property line adjustment,** the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date the property line adjustment legally occurs, at which time the contract shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds.

c. **For a demolition of a primary structure,** the contract and deed restriction must require the owner to remove the accessory structure if a principal structure has not been built and received final inspection within two (2) years. The two (2) years period begins on the date of the final Village inspection of the demolition. The contract and restrictive covenant shall be executed with the Village and the deed restriction placed on the parcel with the County Register of Deeds prior to the issuance of the demolition permit by the Village.

(3) **Zoning District Requirements To Be Complied With.** 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) **Locational Requirements and Exceptions for Accessory Buildings.** The location requirements stipulated elsewhere in this Chapter may be modified for accessory buildings as follows; the setback requirements on corner or irregularly shaped lots may be different:

(1) ***Agricultural (Farm) Buildings.***

- a. Agricultural buildings, used for agricultural purposes only, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, A-3 and A-4 Agricultural Districts, shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirements of the agricultural districts. There shall be a building separation of at least ten (10) feet between buildings.
- b. Non-agricultural accessory buildings are permitted only after the residence is present on the parcel.

(2) ***Detached Accessory Buildings on Nonconforming Agricultural Parcels.***

- a. Detached accessory buildings on nonconforming agricultural parcels greater than five (5) acres but less than ten (10) acres in area shall conform to the accessory building standards for the R-1 and C-2 Districts.
- b. Detached accessory buildings on nonconforming agricultural parcels less than five (5) acres but greater than forty thousand (40,000) square feet in area shall conform to the accessory building standards for the R-2 and R-7 Districts.
- c. Detached accessory buildings on nonconforming agricultural parcels less than forty thousand (40,000) square feet in area shall conform to the accessory building standards for the R-3 and R-8 Districts.

(3) ***Detached Accessory Buildings in the R-1 and C-2 Districts; Number.***

- a. Detached accessory buildings in the R-1 Rural Residential District and the C-2 Upland Resource Conservancy District are permitted, provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of ten (10) feet from any side or rear lot line.
- b. There shall be a maximum of three (3) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of one hundred and fifty (150) square feet in area and fifteen (15) feet in height. The other two (2) buildings shall be limited to a combined total of three thousand six hundred (3,600) square feet in area and shall not exceed twenty (20) feet in height.
- c. There shall be a minimum separation of ten (10) feet between accessory buildings.

(4) ***Detached Accessory Buildings in the R-2 and R-7 Districts.***

- a. Detached accessory buildings in the R-2 Suburban Single-Family Residential District and the R-7 Suburban Two-Family and Three-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, are located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line.
- b. There shall be a maximum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area, and fifteen (15) feet in height. One (1) accessory building shall be

limited to a maximum of one thousand five hundred (1,500) square feet in area, and a maximum of twenty (20) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen (15) feet. The two (2) buildings shall not exceed a total of one thousand six hundred and fifty (1,650) square feet in area.

- c. There shall be a minimum separation of ten (10) feet between accessory buildings.

(5) ***Detached Accessory Buildings in the R-3 and R-8 Districts.***

- a. Detached accessory buildings in the R-3 Urban Single-Family Residential District and the R-8 Urban Two-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line. There shall be a minimum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of one thousand (1,000) square feet in area and a maximum of twenty (20) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen (15) feet. The two (2) buildings shall not exceed a total of one thousand one hundred and fifty (1,150) square feet.
- b. There shall be a minimum separation of ten (10) feet between accessory buildings.

(6) ***Detached Accessory Buildings in R-4, R-5, R-6 and R-12 Districts.***

- a. Detached accessory buildings in the R-4 Urban Single-Family Residential District, the R-5 Urban Single-Family Residential District, the R-6 Urban Single-Family Residential District, and the R-12 Mobile Home/Manufactured Home Park/Sub-division Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure [five (5) feet in the R-12 District], and a minimum of five (5) feet from any side or rear lot line. There shall be a maximum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of seven hundred and twenty (720) square feet in area and a maximum of seventeen (17) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen feet. The two (2) buildings shall not exceed a total of eight hundred and seventy (870) square feet in area.
- b. There shall be a minimum separation of ten (10) feet between accessory buildings.

(7) ***Detached Accessory Buildings in the R-9, R-10 and R-11 Districts.***

- a. Detached accessory buildings in the R-9, R-10 and R-11 Multiple-Family Residential Districts are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot

line. However, when abutting a single-family residential district, accessory buildings shall be a minimum of ten (10) feet from any side or rear lot line.

- b. Permitted detached accessory buildings shall not exceed twenty (20) feet in height.
- (8) **Detached Accessory Buildings in All Other Districts.** Detached accessory buildings in all other districts shall meet the minimum setback requirements as outlined in each district.
- (9) **Total Number of Existing Accessory Buildings.** If the total number of detached accessory buildings existing on a parcel exceeds the total number permitted in the zoning district, no additional buildings or additions to existing buildings shall be permitted unless buildings in excess of the district standard are removed. When a pre-existing accessory building(s) is present on a parcel, the square footage of such building(s) shall be deducted from the total square footage for accessory buildings permitted in that district.
- (10) **Boathouses.** Boathouses accessory to permitted uses used strictly for the storage of boats and water-related recreational accessories to be used by the owner or occupant of any given parcel may be located within a shore yard but:
 - a. Shall not be closer to a lake, stream, pond, or wetland than the ordinary high water mark; shall not exceed one (1) boathouse on the premises for each shoreland lot; shall not exceed the height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist (in such cases, it shall not exceed the height of the top grade elevation of said shoreland lot);
 - b. Shall not exceed five hundred and seventy-six (576) square feet in horizontal area covered;
 - c. Shall not be closer than three (3) feet to any side lot line; and
 - d. The boathouse shall be constructed in such manner as to orient the main opening of the boathouse toward the lake.
- (11) **Carports.**
 - a. For purposes of this Section, a carport shall be considered to be a garage.
 - b. Carports shall be used for the parking of vehicles (including recreational vehicles, lawn maintenance equipment and boats), but shall not be used for general storage of personal items, refuse and non-temporary construction materials.
- (d) **Accessory Buildings/Structures Requiring a Conditional Use Permit.** The accessory building and structure sizes accumulations in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts set forth in Table K shall require that a conditional use permit be required to be reviewed and approved by the Village Board, subject to recommendation by the Plan Commission.
- (e) **Application Requirements and Standards for Conditional Use Accessory Buildings and Structures in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts.** The following are application requirements and other standards for conditional use accessory buildings and structures located on a lot or parcel in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts:
 - (1) **Plat of Survey Requirement.** The applicant shall submit at the time application for the conditional use permit by the applicant a plat of survey prepared by a Wisconsin registered land surveyor which accurately depicts and depicts dimensions for the

proposed location of the accessory building or accessory structure. Said accessory building or accessory structure shall be located as depicted as the same relates to the property or as approved by the Village Board.

- (2) **Exterior Dimensions Information Required.** In addition to the information required in Subsection (a), the application materials submitted by the applicant for the accessory building or accessory structure shall specifically indicate all of the exterior building dimensions of the accessory building or structure, including height.
- (3) **Miscellaneous Conditional Use Permit Conditions.** The following specific requirements and standards *shall be considered and may be applied* as deemed appropriate by the Plan Commission and/or Village Board when considering the granting of conditional use permits for accessory buildings and structures located on a lot or parcel in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts:
 - a. **Code Compliance.** The accessory building or accessory structure shall be code compliant meeting all building regulations required by the Village of Bristol.
 - b. **Business Use Prohibited.** No business operation of any kind shall be allowed as part of the use of the accessory building or accessory structure allowed herein.
 - c. **Number of Additional Accessory Buildings Limited.** No additional accessory buildings and/or structures shall be allowed on the parcel.
 - d. **Additional Land Divisions Prohibited.** No reduction of land area through land divisions of any kind (including transfers of land between abutting property owners) shall be allowed as the size of the accessory building and/or accessory structure allowed herein was based, in part, upon the size of the property represented by the applicant unless the accessory structure is reduced in size prior to the land division occurring to meet the dimensional requirements of the applicable zoning district within which the property is located.
 - e. **Construction Materials to be Consistent with Approvals.** The materials for construction of the accessory building or accessory structure shall be consistent with the materials represented by the applicant to the Plan Commission and Village Board which shall remain consistent throughout the useful life of the accessory building or accessory structure.
 - f. **Landscaping and Screening Requirements.**
 1. The property owner and the property owner's successors and assigns shall maintain any Village-required landscaping and screening consistent with a plan for said accessory building or accessory structure approved by the Village Board and shall remain as a condition for said conditional use permit throughout the useful life of the accessory building or accessory structure.
 2. Construction of the accessory building or accessory structure shall not be issued a building permit or construction commenced until an approved landscape plan [meeting the requirements of Sec. 13-1-445 of this Chapter] is submitted to the Village and approved by the Village Board, as may be required by the Village Board.
 - g. **Outdoor Storage Prohibitions.** The property owner and his/her successors and assigns are hereby precluded from any outdoor storage of any kind including, but not limited to, boats, snowmobiles, motorcycles, all-terrain vehicles, cars, farm

- equipment, campers, trucks, vans, horse trailers, flatbed trailers, personal watercrafts, or any other personal property other than for purposes of landscaping.
- h. ***Use by Property Owner Only.*** The accessory structure shall not be rented or leased to any person nor may the same be used by any person other than the property owner upon which said accessory building or accessory structure is located.
 - i. ***Setbacks May Be Increased.*** The Plan Commission may recommend to the Village Board, or the Village Board may, increase the minimum required setbacks of the accessory structure(s) as deemed necessary.
 - j. ***Consideration of Height Increases.*** The maximum height limitations for accessory structures in the residential zoning districts set forth under the Village of Bristol Zoning Code notwithstanding, the Plan Commission may recommend to the Village Board, or the Village Board may allow an increase in the height of the accessory structure(s) not to exceed thirty (30) feet.
- (4) ***Maximum Cumulative Floor Area.*** In no case shall the cumulative floor area of all accessory buildings and structures exceed the building coverage area as set forth in Table L. Table L indicates the maximum allowable cumulative building coverage area which may be allowed as determined by the Village Board, upon recommendation of the Plan Commission, on a case-by-case basis.
- (f) **Standards for Attached Accessory Buildings/Garages.**
- (1) ***Setback Requirements.*** All accessory buildings which are attached to the principal building shall comply with the yard/setback requirements of the principal building.
 - (2) ***Determination of Attached Status.*** When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, or are separated by a nominal gap, they are considered to be a part of the principal building and shall comply in all respects with the yard/setback requirements and local building code requirements for the principal building.
 - (3) ***Square Footage Limits.*** Accessory structures attached to the principal building shall not exceed the square footage of the non-accessory portion of the principal building.
- (g) **Design Standards for Detached Accessory Buildings; Architectural Requirements.** Except where more restrictive requirements exist for accessory structures elsewhere in this Section, the following standards shall be complied with for residential detached accessory structures exceeding one hundred and fifty (150) square feet:
- (1) ***Architectural Consistency Requirements in All Residential Zoning Districts.***
 - a. Accessory buildings shall have a design composition which is architecturally consistent with the principal building, and shall incorporate similar complimentary design elements and colors where visible to the public; the roof pitch and roof line of an accessory building shall be the same or similar to that of the principal building. This Subsection is not applicable to greenhouses.
 - b. Accessory building walls clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the visual plane of the wall. This may be done by the addition of windows, gable end wall treatments, siding design and accent panels, protruding pilasters, or other architectural design treatments consistent with the principal building design. Building facades and elevations which appear as a "blank wall" with no architectural delineation and/or architectural detail shall not be allowed.

- c. In all residential districts in addition to the above requirements, detached accessory structures shall utilize similar exterior wall siding materials as then exist on the principal residential structure on the property. In the case of principal residential structures in all residential districts utilizing exterior brick, stone or masonry, similar brick, stone or masonry materials shall be used on the front portion of the exterior walls of the detached accessory structure or any publicly visible elevation. At a minimum, a thirty (30) inch high masonry base should be included on elevations visible from public view. Masonry, stone or brick accents or trim elements matching similar components on the principal residential structure are acceptable to complement a residence constructed with brick, stone or masonry siding materials. For the remainder of the accessory structure located in a residential district with a brick, stone or masonry residence, siding materials shall resemble siding materials utilized on at least one (1) other non-brick/masonry residential structure found on an adjacent or on the same block in the residential neighborhood, if any, provided that such comparison structure must meet the minimum design standards of this Section.

(2) **Exterior Finishes and Materials.**

- a. The exterior walls of accessory structures shall be clad with: cement fiber siding; engineered composite siding; wood; wood shakes; wood clapboards; vinyl, steel or aluminum beveled siding; brick, stone or other masonry-type veneer materials; non-reflective painted metal cladding; or similar materials approved by the Building Inspector. The color and texture of exterior wall materials shall be similar to the color used on the exterior of the principal residential structure where visible to the public. Accessory structures in residential districts visible to the public shall utilize exterior wall materials of similar type, color and texture as found on the principal structure on the lot. Pole-type construction accessory structures in the R-1 Residential District may only be permitted if the criteria herein can be met and a sufficient landscape plan for the structure has been approved.
- b. Roofs of all accessory structures on residential parcels shall be covered with asphalt shingles; wood or shake shingles; standing painted metal siding; tile roofing; or slate roofing. Accessory structures in residential districts shall have roof lines and angles similar to the roof lines and angles of the principal residential structure on the property. No flat roofs shall be permitted on accessory structures (boathouses excepted) unless the principal residential structure has a flat roof covering more than half of the residence, excluding a garage or carport flat roof feature attached to the principal residential structure.
- c. Galvanized, reflective or corrugated exterior metal siding or roof finishes are not permitted on detached accessory structures. Any metal walls or roofing shall be not less than 26 gauge, roll-formed ribbed sheeting with a factory-applied non-reflective finish with a manufacturer's warranty of not less than twenty (20) years for the metal and finish. The use of used metal siding/roofing is not permitted.
- d. The use of decorative stone, stone veneer, and brick is required on accessory structures in residential districts per Subsection (g)(1)c above and is encouraged with other non-agricultural accessory structures on parcels with a primarily residential purpose.

- e. For structures twenty (20) feet in length or greater, roof design shall include architectural distinction to interrupt the visual continuity of the roof. The inclusion of a roof cupola, roof dormers or roof line changes would act as acceptable architectural elements.
 - f. Detached accessory structures shall not have a rooftop deck (boathouses excepted).
 - g. All accessory structures and garages shall be constructed of durable materials and shall not utilize fabric/plastic/rubber materials or membranes used in such a fashion or manner so as to be a substitute for building walls and/or roof or roofs of said accessory structure or garage.
 - h. Detached accessory structures should have windows established on at least two (2) walls.
- (3) **Anchoring.** Accessory buildings with foundations shall be secured with anchor bolts. Accessory buildings not located on a foundation shall be provided with suitable anchoring to the ground.
- (4) **Lot Area Determination.** The dimensions of any swimming pool, children's play structure, detached garage, dedicated sports court, detached gazebo or pergola, and other detached accessory buildings/ structures shall be included in the determination of available lot area coverage for accessory structures. Patios and decks are not included in such determinations.
- (5) **Required Roof Overhangs.** All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with fascia and soffit on all sides, unless an alternative option is approved by the Village Board, upon the recommendation of the Plan Commission. No portion of the accessory building, including roof eaves, shall extend across a property line.
- (6) **Placement on Easements.** Accessory structures are prohibited from being placed within any recorded easement.
- (h) **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.
- (i) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, trees, shrubs and flowers and gardens, pursuant to Subsection (m) below.
- (j) **Temporary Accessory 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.
- (k) **Garages in Embankments in Front Yards.** Where the natural undisturbed topography requires such placement and the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.

- (l) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.
- (m) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line. However, in the R-6 District, driveways may be constructed up to the property line, provided drainage problems would not be created, upon the mutual agreement of the property owners; each property shall have a deed restriction recorded documenting consent for such placement.
- (n) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures for setback compliance and shall comply with the requirements of this Section, specifically setback standards, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage, be constructed out of materials that would constitute a nuisance, or be used for primarily adult entertainment purposes.
- (o) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (p) **Gardening.** Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.
- (q) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-402(n).
- (r) **Tents; Fabric-Covered Structures; Hoop-Supported Structures.**
 - (1) **Prohibited Use as Permanent Accessory Structure.** No tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, may be used as a permanent accessory structure in a non-agricultural district; such structures may be erected and used no more than six (6) months per year without being removed. An exception is that a plastic or fabric-covered hoop-supported or tubular greenhouse may be maintained if used exclusively for personal greenhouse use.
 - (2) **Anchoring Requirement.** Any permitted tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame shall be fastened or anchored in a stable manner to the ground.
 - (3) **Limitations on Utility Service.** No plumbing, electrical, heating or other utility service may be installed in a tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame except for seasonal use in personal greenhouses. A tent shall not be used as a dwelling other than for temporary recreational use.

- (4) **Compliance with Accessory Building Requirements.** Any tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, shall comply with the dimensional and yard/setback requirements of this Section.
- (s) **Decks; Patios; Gazebos; Pergolas.** The following require an accessory building zoning permit and shall comply with the following requirements:
 - (1) **Decks.** Decks which are constructed six (6) inches or more above lot grade, and which are attached to or closer than eight (8) feet to the principal structure, shall be considered a part of the principal structure and shall comply with the setback requirements for principal structures in that zoning district. [See Section 13-1-42(f)]. Freestanding decks separated from the principal shall be located a minimum of eight (8) feet from the principal structure and shall comply with the setback requirements for accessory structures in that zoning district. Decks constructed less than six (6) inches above lot grade shall comply with the setback requirements for patios.
 - (2) **Patios.** Patios, constructed at or below lot grade, shall comply with the setback requirements for accessory structures in that zoning district.
 - (3) **Gazebos; Pergolas.** A gazebo or pergola connected with a deck which is attached to the principal structure, as defined in Subsection (v)(1) above, shall comply with the setback requirements for principal structures in that zoning district. Freestanding gazebos or pergolas shall comply with the setback requirements for accessory buildings in that zoning district. A gazebo or pergola shall not exceed two hundred forty (240) square feet in size.
- (t) **Air Conditioning Compressors.** Central air conditioning compressors are permitted in the rear yard or side yard without a permit, provided that the compressor shall be located a minimum of five (5) feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the side or rear yards due to unique practical limitations with a lot, the Building Inspector may permit placement in the street yard provided that the air conditioning compressor is screened from view.
- (u) **Prohibited or Restricted Residential Accessory Building Uses.**
 - (1) **Commercial Use.** Accessory structures shall not be used in the conduct of any business, trade or commercial activity except for limited adjunct use with a home occupation as defined herein.
 - (2) **Dwelling Use.** No accessory building shall be used or let for residential dwelling purposes, whether for compensation or not.
 - (3) **Offensive Use.** No accessory structure or use shall be permitted or maintained what by reason of noise, dust, odor, appearance, or other objectionable condition creates a nuisance, a threat to health or safety, or a substantial adverse effect on the property value or reasonable enjoyment of surrounding properties.
 - (4) **Use by Owner Only.** An accessory structure shall not be rented or leased to any person not a resident of the principal structure nor shall said accessory structure be used by any such non-resident person.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 25th day of June, 2018.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 4/23/18

PASSED: 6/25/18

PUBLISHED/POSTED: _____

State of Wisconsin:
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 25th day of June, 2018, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 25th day of June, 2018.

Amy Klemko
Amy Klemko, Village Clerk-Treasurer