

**CITY OF STANLEY
ORDINANCE 2024-003**

**AN ORDINANCE AMENDING RESIDENTIAL ZONING DISTRICTS' PERMITTED
ACCESSORY USES REGARDING SOLAR ARRAYS**

NOW THEREFORE, be it ordained by the Common Council of the City of Stanley, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “13-1-42 R-1 Single-Family Residential District (Low Density)” of the City of Stanley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13-1-42 R-1 Single-Family Residential District (Low Density)

- (a) **Purpose.** The purpose of the R-1 District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a low dwelling unit per acre density. The R-1 District particularly reflects new development areas of the City of Stanley.
- (b) **Permitted Uses.** The following are permitted uses in the R-1 District:
 - (1) Single-family detached dwellings, excluding all mobile homes, and their permitted accessory structures; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved Uniform Dwelling Code (UDC) foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Stanley.

- (3) A detached garage and accessory structures per Section 13-1-200; such garage or other accessory structure shall be used for living quarters.
- (4) Gardening, storage sheds, and other accessory buildings incidental to the residential use and meeting the requirements of Section 13-1-200.
- (5) Public parks and recreation areas.
- (6) Community living arrangements and adult day care centers which have a capacity for eight (8) or fewer persons.
- (7) Family day care home for not more than eight (8) children.
- (8) Home occupations and professional home offices per Section 13-1-93.
- (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) Permitted Accessory Uses. The following are permitted accessory uses in the R-1 District:

- (1) Ground-mounted solar energy collection systems on property over one (1) acre.**
- (2) Roof- or wall-mounted solar energy collection systems.**

(d) Conditional Uses. The following are conditional uses within the R-1 District:

- (1) Community living arrangements and adult day care centers which have a capacity for nine (9) or more persons.
- (2) Planned residential developments (PUD).
- (3) Bed and breakfast inns [7011].
- (4) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the District, such as sewage systems, incinerators and shops.
- (5) Public utility structures, except those incompatible with the characteristics of the district, including water storage and sewage disposal facilities.
- (6) Multi-dog kennels per City ordinances.
- (7) Golf courses and private clubs.
- (8) Preschool or daycare centers serving more than eight (8) children.
- (9) Public parks, playgrounds and community facilities or buildings.
- (10) Public and parochial schools.
- (11) Mobile home parks as a planned unit development meeting the requirements of Article D and the standards governing mobile home parks in Article O of this Zoning Code.
- (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (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.

(e) Area, Height and Yard Requirements.

(1) Lot.

- a. Area: Minimum ten thousand (10,000) square feet.
- b. Width: Minimum eighty (80) feet.

(2) Building.

- a. Maximum height: Thirty-five (35) feet.
- b. Minimum dwelling floor area: Nine hundred (900) square feet (residential).

(3) ***Yards.***

- a. Minimum street yard: Twenty-five (25) feet.

(**Note:** More restrictive standards may be imposed by state regulations in certain circumstances; for example, on lots fronting on certain classes of State Highways.)

- b. Minimum Rear Yard:

- 1. Twenty-five (25) feet from principal buildings.
- 2. Five (5) feet from an accessory building.

- c. Minimum Side Yard:

- 1. Six (6) feet for pre-existing lots sixty-six (66) feet or less in width.
- 2. Ten (10) feet minimum per side for lots more than sixty-six (66) feet in width.
- 3. For corner lots, each side adjacent to a street shall have a setback of fifteen (15) feet.

- (4) ***Navigable Water Setbacks.*** There shall be a setback of not less than seventy-five (75) feet of all buildings and structures from navigable water as measured from the ordinary high water mark, as determined by the Zoning Administrator, and as measured from the edge of the roof overhang to the high water mark. There shall be a setback of not less than fifty-five (55) feet for all decks and patios which are without a permanent roof. The exception hereto may be for landings, having a maximum size of forty (40) square feet and having no part of the landing overhanging the water, and for stairs, each of which may extend to the water's edge.

SECTION 2: **AMENDMENT** “13-1-43 R-2 Single-Family Residential District (Medium Density)” of the City of Stanley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13-1-43 R-2 Single-Family Residential District (Medium Density)

- (a) **Purpose.** The purpose of the R-2 District is to provide the opportunity for construction and maintenance of primarily single-family detached dwelling units at a medium dwelling unit per acre density. The R-2 District reflects older neighborhoods in the City of Stanley.
- (b) **Permitted Uses.** The following are permitted uses in the R-2 District:

- (1) Single-family detached dwellings, excluding all mobile homes, and their permitted accessory structures; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
- (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved Uniform Dwelling Code (UDC) foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Stanley.
- (3) A detached garage and accessory structures per Section 13-1-200; such garage or other accessory structure shall be used for living quarters.
- (4) Gardening, storage sheds, and other accessory buildings incidental to the residential use and meeting the requirements of Section 13-1-200.
- (5) Public parks and recreation areas.
- (6) Community living arrangements and adult day care centers which have a capacity for eight (8) or fewer persons.
- (7) Family day care home for not more than eight (8) children.
- (8) Home occupations and professional home offices per Section 13-1-93.
- (9) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (10) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) Permitted Accessory Uses. The following are permitted accessory uses in the R-2 District:

- (1) Ground-mounted solar energy collection systems on property over one (1) acre.**
- (2) Roof- or wall-mounted solar energy collection systems.**

(d) Conditional Uses. The following are conditional uses within the R-2 District:

- (1) Community living arrangements and adult day care centers which have a capacity for nine (9) or more persons.
- (2) Planned residential developments (PUD).
- (3) Bed and breakfast inns [7011].

- (4) Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the District, such as sewage systems, incinerators and shops.
- (5) Public utility structures, except those incompatible with the characteristics of the district, including water storage and sewage disposal facilities.
- (6) Multi-dog kennels per City ordinances.
- (7) Golf courses and private clubs.
- (8) Preschool or daycare centers serving more than eight (8) children.
- (9) Public parks, playgrounds and community facilities or buildings.
- (10) Public and parochial schools.
- (11) Mobile home parks as a planned unit development meeting the requirements of Article D and the standards governing mobile home parks in Article O of this Zoning Code.
- (12) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (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.

(e) **Area, Height and Yard Requirements.**

(1) ***Lot.***

- a. Area: Minimum seven thousand five hundred (7,500) square feet.
- b. Width: Minimum sixty (60) feet.

(2) ***Building.***

- a. Maximum height: Thirty-five (35) feet.
- b. Minimum dwelling floor area: Six hundred forty (640) square feet (residential).

(3) ***Yards.***

- a. Minimum street yard: Twenty-five (25) feet.

(Note: More restrictive standards may be imposed by state regulations in certain circumstances; for example, on lots fronting on certain classes of State Highways.)

b. Minimum Rear Yard:

- 1. Twenty-five (25) feet from principal buildings.
- 2. Five (5) feet from an accessory building.

c. Minimum Side Yard:

- 1. Six (6) feet for pre-existing lots sixty-six (66) feet or less in width.
- 2. Ten (10) feet minimum per side for lots more than sixty-six (66) feet in width.
- 3. For corner lots, each side adjacent to a street shall have a setback of fifteen (15) feet.

- (4) ***Navigable Water Setbacks.*** There shall be a setback of not less than seventy-five (75) feet of all buildings and structures from navigable water as measured from the ordinary high water mark, as determined by the Zoning Administrator, and as measured from the edge of the roof overhang to the high

water mark. There shall be a setback of not less than fifty-five (55) feet for all decks and patios which are without a permanent roof. The exception hereto may be for landings, having a maximum size of forty (40) square feet and having no part of the landing overhanging the water, and for stairs, each of which may extend to the water's edge.

SECTION 3: AMENDMENT “13-1-44 R-3 Two-Family Residential District” of the City of Stanley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13-1-44 R-3 Two-Family Residential District

- (a) **Purpose.** The purpose of the R-3 Two-Family District is to provide the opportunity for construction and maintenance of primarily two-family dwelling units, particularly in new subdivisions and growth areas.
- (b) **Permitted Uses.** The following are permitted uses in the R-3 District:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings (duplex).
 - (3) Community living arrangements and adult day care centers which have a capacity for eight (8) or fewer persons.
 - (4) Home occupations and professional home offices per Section 13-1-93.
 - (5) Two (2) private garages with not more than one thousand five hundred (1,500) square feet in aggregate for each residential parcel per Section 13-1-200, provided that one (1) garage is attached; such garage shall not be used in the conduct of any business, and no garage or other accessory structure not designed for human habitation shall be used for living quarters.
 - (6) Gardening, storage sheds and other accessory buildings meeting the requirements of Section 13-1-200 incidental to the residential use.
 - (7) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
 - (8) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Permitted Accessory Uses. The following are permitted accessory uses in the R-3 District:**
 - (1) Ground-mounted solar energy collection systems on property over one (1) acre.
 - (2) Roof- or wall-mounted solar energy collection systems.
- (d) **Conditional Uses.** The following are conditional uses in the R-3 District:
 - (1) Conditional uses allowed in the R-1 District.
 - (2) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support

structure, per Section 13-1-182.

(e) **Area, Height and Yard Requirements.**

	One-Family Dwelling	Two-Family Dwelling
(1) Lot Size		
a. Minimum Width	80 feet	90 feet
b. Minimum Area	10,000 sq. ft.	10,000 sq. ft.
(2) Building		
a. Maximum Height	35 feet	35 feet
b. Minimum Floor Area	see 13-1-42(d)	see 13-1-42(d), except reduced by 100 sq. ft. per floor
(3) Yards		
a. Minimum Street Yard	25 feet	25 feet
b. Minimum Rear Yard	25 feet	25 feet
c. Minimum Side Yard	10 feet	8 feet

SECTION 4: **AMENDMENT** “13-1-45 R-4 Multiple-Family Residential District” of the City of Stanley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13-1-45 R-4 Multiple-Family Residential District

- (a) **Purpose.** The purpose of the R-4 Multiple-Family District is to provide the opportunity for construction and maintenance of multiple-family dwelling units and to delineate areas where more compact residential development, including condominiums and rental apartments, has occurred or will likely occur in accordance with the City Comprehensive Plan.
- (b) **Permitted Uses.** The following are permitted uses in the R-4 District:
- (1) Two-family dwellings (duplex).
 - (2) Multiple-family dwellings up to and including twelve (12) units per building.
 - (3) Accessory structures per Section 13-1-200 and occupying not more than twenty percent (20%) of the rear yard.
 - (4) Condominium dwellings.
 - (5) Preschool and daycare facilities serving not more than sixteen (16) children.

- (6) 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.
- (7) Neighborhood parks and playgrounds.
- (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) Permitted Accessory Uses. The following are permitted accessory uses in the R-4 District:

- (1) Ground-mounted solar energy collection systems on property over one (1) acre.**
- (2) Roof- or wall-mounted solar energy collection systems.**

(d) Conditional Uses. The following are conditional uses in the R-4 District:

- (1) Multi-family buildings providing more than twelve (12) dwelling units per building.
- (2) Professional home offices or home occupations.
- (3) Planned unit residential developments, including condominium clusters.
- (4) Schools and churches.
- (5) Government, cultural, and public uses such as fire and police stations, community centers, libraries, public emergency shelters and museums.
- (6) Retirement homes.
- (7) Single-Family dwellings.
- (8) Mobile home parks as a planned unit development meeting the requirements of Article D and the standards for mobile home parks in Article O of this Zoning Code. This use shall be subject to the condition that it shall conform to all ordinances of the City of Stanley regulating mobile homes and mobile home parks; to the Wisconsin Administrative Code, Chapter H77, "Manufactured Home Communities"; to any Floodplain Zoning Ordinance enacted pursuant to Sec. 87.30, Wis. Stats.; and to any Shoreland-Wetland Protection Ordinance enacted pursuant to Sec. 59.97, Wis. Stats.
- (9) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.

(e) Area, Height and Yard Requirements.

(1) Lot.

- a. Minimum Width: One hundred (100) feet.
- b. Minimum Area.
 - 1. Ten thousand (10,000) square feet for two-family dwelling.
 - 2. Five thousand (5,000) square feet per unit for three-family dwelling.
 - 3. Three thousand five hundred (3,500) square feet per unit for four-family dwelling.
 - 4. Fourteen thousand (14,000) square feet, plus two thousand (2,000) square feet per unit for each unit over four (4).

(2) Building.

- a. Maximum Height: Thirty-five (35) feet.
- b. Minimum Floor Area per Family: Seven hundred twenty (720) square feet.

(3) ***Yards.***

- a. Street: Minimum twenty-five (25) feet.
- b. Rear: Minimum twenty-five (25) feet; minimum five (5) feet from accessory buildings and detached garages.
- c. Side:
 - 1. Six (6) feet for pre-existing lots sixty-six (66) feet or less in width.
 - 2. Fifteen (15) feet on each side for lots more than sixty-six (66) feet in width.

SECTION 5: **AMENDMENT** “13-1-46 R-5 Residential Estate District” of the City of Stanley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13-1-46 R-5 Residential Estate District

- (a) **Purpose.** The R-5 Residential Estate District is intended to provide for a single-family residential countryside estate development, at densities not to exceed one (1) dwelling unit per gross three (3) or more acres, typically served by municipal sewer facilities. This District is for executive/estate type large lots of a rural or estate character.
- (b) **Permitted Uses.** The following uses are permitted in the R-5 District:
 - (1) Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved Uniform Dwelling Code (UDC) foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or City Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

- d. The home shall be covered by a roof pitched at a minimum slope of three (3) inches in twelve (12) inches, which is permanently covered with non-reflective material.
- e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the City of Stanley.
- f. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
 - 1. Horizontal aluminum, steel or vinyl siding;
 - 2. Wood or simulated wood; or
 - 3. Brick or stone.
- (3) Community living arrangements which have a capacity for eight (8) or fewer persons subject to the limitations set forth in Sec. 62.23(7)(i), Wis. Stats.
- (4) Essential services.
- (5) Home occupations/professional home offices. (See Section 13-1-93.)
- (6) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.

(c) Permitted Accessory Uses. The following are permitted accessory uses in the R-5 District:

- (1) Ground-mounted solar energy collection systems on property over one (1) acre.
- (2) Roof- or wall-mounted solar energy collection systems.

(d) Conditional Uses. The following are conditional uses in the R-5 District:

- (1) Utility substations.
- (2) Solar collectors erected as an accessory structure.
- (3) Community living arrangements which have a capacity for nine (9) or more adult persons.
- (4) Single-family dwelling units meeting the requirements of this Section served by private sewer and water systems where the City determines public service is impractical.
- (5) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.

(e) Area, Height and Yard Requirements.

(1) Lot.

- a. Area. Lots shall be a minimum of three (3) acres in area and shall be not less than one hundred twenty-five (125) feet in width at front setback.
- b. Height. No building or parts of a building shall exceed thirty-five (35) feet in height.

(2) Yards.

- a. Street. Minimum twenty-five (25) feet.
- b. Side. There shall be a side yard on each side of all buildings not less than twenty (20) feet in width.
- c. Rear. There shall be a rear yard of not less than fifty (50) feet; twelve (12) feet for accessory buildings and detached garages.

(f) Other Development Standards.

(1) Rural cross section streets may be permitted with special permission from the Common Council under the following circumstances and conditions of development:

a. Minimum roadway design standards:

1. Twenty-two (22) feet blacktop pavement width per City standards.
2. A one and one-half (1-1/2) foot rolled curb concrete shoulder or curb with a minimum of seven (7) inches on each side of the blacktop.
3. Sixty-six (66) foot right-of-way.
4. One hundred thirty-two (132) feet cul-de-sac bulb right-of-way.

b. Where rural cross sections are used, the developer shall submit and the Common Council shall approve detailed grading plans for the swale network. The swale system shall be installed at time of street work and shall be designed as a component of the storm water management plan.

c. A culvert installation permit and detailed lot grading permit shall be granted by the Building Inspector prior to any disturbance of the site associated with grading, excavation or culvert installation. The developer shall secure a performance bond or deposit of Five Hundred Dollars (\$500.00) plus twenty-five percent (25%) of the total cost to ensure appropriate culvert installation and shall pay any required City administrative and inspection fee prior to the grading of a culvert installation permit.

(2) Livestock such as, but not limited to, cattle, swine, horses, ponies, poultry and other fowl, may only be allowed in the R-5 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-5 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

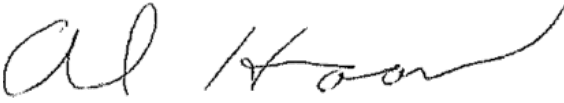
SECTION 6: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7: EFFECTIVE DATE This Ordinance shall be in full force and effect from 02/19/2024 and after the required approval and publication according to law.

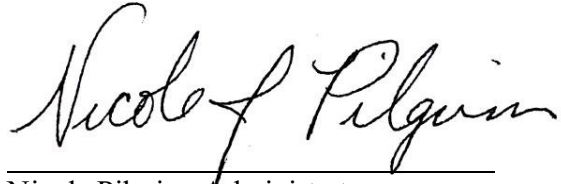
PASSED AND ADOPTED BY THE CITY OF STANLEY COMMON COUNCIL
FEBRUARY 19, 2024.

Attest

Presiding Officer



Al Haas, Mayor, City of Stanley



Nicole Pilgrim, Administrator-
Clerk/Treasurer, City of Stanley

