

Report to the Manitowoc Plan Commission

Meeting Date: Wednesday, January 27, 2021

Request: PC 7-2021: Discussion Regarding Minimum Dwelling Unit Size in R-5 Low-Density Multiple Family District.

Report: Building Inspection has been contacted by an individual asking about Tiny Houses and an issue has been found in the Zoning Code. Currently the Zoning Code requires a minimum Dwelling Unit size for the following residential districts:

Zoning District	Minimum Dwelling Unit
R-1 Residential Agricultural	Minimum 24 ' wide; 1,000s.f. Minimum area
R-2 Single Family	Minimum 28 ' wide; 1,200s.f. Minimum area
R-3 Single Family	Minimum 24 ' wide; 900s.f. Minimum area
R-4 Single and Two Family	Minimum 20 ' wide; 720s.f. Minimum area
R-5 Low Density Multiple Family	No Minimum Dwelling Unit is defined
R-6 High Density Multiple Family	Minimum 14' wide; 720 s.f. Minimum area

The R-5 district defines minimum open space requirements for two or more buildings per lot; minimum separation distances are defined for spacing between buildings and orientation of buildings but no minimum dwelling unit size is defined.

MMC 15.030 defines Dwelling Unit as: *“Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent bathing and cooking and sleeping facilities.”*

The discussion regarding minimum dwelling unit size is to gauge the Commissions opinions on Tiny Houses in general. Community Development staff is proposing to move forward with a text amendment to the zoning code adding a minimum dwelling unit size of 720 s.f. which would be consistent with the R-4 and R-6 Zoning Districts.

4/21/2021 UPDATE:

Research was completed regarding tiny homes and information varies widely by community.

- According to their code, Two Rivers currently has an 800 square foot minimum and a discussion occurred in 2016 about reducing to 400 square feet. To date, anything smaller than 800 square feet would be addressed in a PUD. No further discussion has occurred.
- Information was located about the City of Marshfield in an article online, <https://tinyhomeindustryassociation.org/tiny-home-discussion-marshfield-wisconsin/>. We contacted Bryce Hembrook, Marshfield City Planner, for an update on how they have determined to proceed. He emailed the following response on February 9, 2021, “The topic has been tabled for the time being. Marshfield does not have a minimum building

size requirement so tiny homes (on foundations) are permitted as long as they meet UDC requirements.” He went on share that Tiny Homes on Wheels (THOWs) are more complex as there are few examples in Wisconsin. At this point, Marshfield has decided to hold off on further discussion until there is more push for them or if more communities in Wisconsin adopt standards.

- With tiny homes being a new type of planning development, many communities are addressing on an as-needed basis. Research indicates that oftentimes they are constructed for an immediate and/or specific need such as homelessness or to provide transitional housing. Additional articles that may be of interest are:
 - [11 Tiny house villages redefining homes](#)
 - [Racine tiny homes offered as model for Janesville's homeless](#)
 - [Occupy Madison seeks zoning change for permanent tiny house village on Aberg Avenue](#)

The current zoning code does not set any standard for minimum dwelling unit size in the R-5 zoning district; Community Development staff recommends adding a minimum dwelling unit size of 720s.f. to the R-5 district which is the same as the R-4 and R-6 districts. In the future the minimum dwelling unit / tiny house requirement can be addressed when more communities in Wisconsin have dealt with the tiny house concept.

Recommendation: Approve a subsequent Zoning Code Text Amendment creating a minimum Dwelling Unit size of 720 square feet in the R-5 Low Density Multiple Family Zoning District.

15.170 R-5, Low Density Multiple-Family District.

(1) Intent. This district is intended to provide for low density multiple-family housing providing adequate open space areas and building separation, which development is intended to be compatible with adjoining or nearby single- and two-family developments.

(2) Specific Uses Permitted. Land shall be used and buildings shall be erected, altered, enlarged, or used for only one or more of the following uses, subject to the provisions of this section and those of other applicable sections of the Zoning Ordinance:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple-family dwellings;
- (d) Community living arrangements for not more than 15 individuals;
- (e) Adult day care facilities, and child day care centers for not more than eight individuals;
- (f) Public parks, parkways, and other public recreational areas;
- (g) Vacant lot residential garden; and
- (h) Bed and breakfasts and short-term rentals.

Accessory buildings and uses to the specific uses permitted shall also be permitted.

(3) Conditional Uses Permitted. The following uses are permitted subject to MMC 15.370(27):

- (a) Churches;
- (b) Schools – public, private, and parochial;
- (c) Hospitals other than animal hospitals;
- (d) Homes for the elderly, nursing homes, and adult day care facilities, and child day care centers for 16 or more individuals;
- (e) Private clubs and lodges;
- (f) Community living arrangements for 16 or more individuals;
- (g) Residential buildings used in connection with the above conditional uses;
- (h) *Repealed by Ord. 20-152;*
- (i) Domestic violence centers;
- (j) Expanded home occupations;
- (k) Any adaptive reuse authorized pursuant to MMC 15.370(29);
- (l) Transitional housing;
- (m) Continuing care communities, retirement housing, intergenerational housing, and other collaborative housing options developed pursuant to MMC 15.750; and

(n) Farmers' markets.

(4) Area Regulations.

(a) Front Yard. No principal or accessory building shall be closer than 25 feet to the street line as established by the Official Map. If said street line is not established by the Official Map or is not governed by MMC 15.390(14), said 25 feet shall be measured from the existing street line.

(b) Side Yard. For single- and two-family dwellings there shall be two side yards of not less than six feet for each side yard, except on corner lots the side yard adjacent to the street shall be not less than 20 feet. For multiple-family dwellings there shall be two side yards of not less than 12 feet for each side yard, providing that on corner lots the side yard adjacent to the street shall not be less than 25 feet. For accessory buildings located in the rear one-half or located more than 65 feet from the front lot line of any interior lot the required side yard may be reduced to two feet except where easement widths are greater.

(c) Rear Yard. There shall be a rear yard not less than 25 feet in depth, except on corner lots the rear yard may be reduced to six feet, providing a minimum setback of 25 feet is maintained in the side yard adjacent to the street. No accessory building in the rear one-half or located more than 65 feet from the front lot line of any interior lot shall be located closer than two feet to the property line except where easement widths are greater.

(d) Lot Area. Each lot for a single-family dwelling shall have a minimum area of 5,500 square feet, a minimum average width of 50 feet. Each lot for a two-family dwelling shall have a minimum area of 6,600 square feet, and a minimum average width of 60 feet. In both instances, however, corner lots shall provide 10 percent greater minimum lot area and width. Multiple-family dwellings shall provide a minimum of 3,000 square feet of lot area for each one-bedroom dwelling unit; a minimum of 3,500 square feet of lot area for each two-bedroom dwelling unit; a minimum of 4,000 square feet of lot area for each three-bedroom dwelling unit. Each lot for a multiple-family dwelling shall have a minimum average width of 100 feet.

(e) Lot Occupancy. The ground area occupied by the principal and accessory buildings shall not exceed 50 percent of the total area of the lot.

(5) Height Regulations. No principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height, subject also to airport height provisions.

(6) Vision Clearance. The vision clearance of this district shall be not less than 15 feet, determined by measuring 15 feet each way from the lot corner at the street intersection on each street lot line, or, in the case of an alley, 10 feet, determined by measuring 10 feet along the alley line.

(7) Yard and Other Open Space Requirements for Two or More Buildings per Lot. The following requirements shall apply to a public or private housing project when two or more garden apartments, apartment houses, or a mixture of housing types are located on the same lot:

(a) Yard Requirements (for Lot). The yard requirements shall be the same as stated above in this section.

(b) Other Dimensions.

1. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be 50 feet.

2. The minimum horizontal distance between the ends of buildings in which the end wall of either building contains windows, except bathroom windows, shall be 30 feet.

The minimum horizontal distance between the ends of buildings which contain no windows or only bathroom windows shall be 20 feet or more. The horizontal distance between the end of one building which is opposite the face or rear of another building, in which the end, face or rear of either building contains windows, except bathroom windows, shall be 30 feet.

3. The minimum horizontal distance between the corners of adjacent buildings that do not face each other or overlap shall be 20 feet.

[Ord. 20-152 § 5, 2020; Ord. 15-559 § 6, 2015; Ord. 13-265 § 6, 2013; Ord. 12-529 §§ 21 – 23, 2012; Ord. 08-490 § 10, 2008. Prior code § 15.17]

From: [Hembrook, Bryce](#)
To: [Jennifer Bartz](#)
Subject: External: RE: Tiny Houses
Date: Tuesday, February 9, 2021 4:06:02 PM
Attachments: [image001.png](#)
[image003.png](#)

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Good Afternoon Jennifer,

Thanks for reaching out to me. The topic has been tabled for the time being. Marshfield does not have a minimum building size requirement so tiny homes (on foundation) are permitted as long as they meet UDC requirements. THOW's (Tiny Homes on Wheels) are tricky and there are few examples in Wisconsin so we decided to hold off until there is more of a push for them or if more communities adopt standards.

Thanks,

From: Jennifer Bartz <jbartz@manitowoc.org>
Sent: Tuesday, February 9, 2021 3:01 PM
To: Hembrook, Bryce <Bryce.Hembrook@ci.marshfield.wi.us>
Subject: Tiny Houses

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Hello, Bryce –

I was doing some research recently on a topic that came up at our Plan Commission meeting regarding minimum dwelling size and tiny houses. I came across this article online (<https://tinyhomeindustryassociation.org/tiny-home-discussion-marshfield-wisconsin/>) and am curious if your conversations in Marshfield have continued and it has been addressed OR if the topic was tabled until it needs to be addressed.

Any information you can share would be appreciated.

Thanks.

Jen

Jen Bartz | Administrative Assistant, Community Development
City of Manitowoc | 900 Quay Street, Manitowoc, Wisconsin
P: 920.686.6930 | F: 920.686.6939

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