

****PLEASE PUBLISH: 1 Col Legal Notice
Saturday, December 28, 2023**

ORDINANCE NO. 22-2023

**AN ORDINANCE AMENDING SECTION 70-86, MULTIPLE-FAMILY RESIDENTIAL
DISTRICT, OF THE BEAVER DAM MUNICIPAL CODE.**

WHEREAS, the State Legislature designated \$100M towards the Wisconsin Housing and Economic Development Authority for a Restore Main Street Program focused on creating housing in underutilized second and third stories of downtown properties; and

WHEREAS, for property owners to qualify for this program, their municipality must revise their zoning ordinance in support of the project by reducing project costs; and

WHEREAS, Exhibit A to this ordinance, which is hereby incorporated, maintains the integrity of the zoning code and provides additional flexibility to promote housing in the downtown.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Beaver Dam hereby ordains:

1. Section 70-86 of the Beaver Dam Municipal Code shall be amended as depicted in Exhibit A.
2. This ordinance shall become effective upon its passage and publication.

Presented by the members of the Plan Commission.

First Reading and Second Reading – December 18, 2023

Adopted: December 18, 2023

Tracey M. Ferron, City Clerk

Approved: December 18, 2023

Rebecca E. Glewen, Mayor

Sec. 70-86. Multiple-family residential district.

- (a) *Permitted structures and uses.* In this multiple-family residential district, buildings and premises shall be used and erected or structurally altered for the following uses and no others:
- (1) Any use permitted in the R-2 two-family residential district.
 - (2) Multiple-family dwellings. Any developer developing more than a two-unit dwelling in a multiple-family residential district must have plan commission and city council approval.
 - (3) Boardinghouses and lodginghouses.
 - (4) Public hospitals, except hospitals for contagious diseases, alcoholics, drug addicts or the insane or feeble-minded, when such building shall be located not less than 75 feet from any lot in any residence district not used for the same purpose.
 - (5) Philanthropic and charitable institutions.
 - (6) Homes for the aged.
 - (7) Child care centers.
 - (8) Funeral homes.
- (b) *Height.* Buildings erected or structurally altered in the multiple-family residential district after the effective date of the ordinance from which this section is derived shall not exceed 35 feet or 2½ stories in height.
- (c) *Side yards.* There shall be a side yard on each side of a building in the multiple-family residential district.
- (1) For buildings used or designed to be used by one or two families, the side yard regulations of the R-1 single-family residential district shall apply; or, in the case of zero lot line, see section 70-85(h).
 - (2) For buildings used or designed to be used by more than two families, the side yards shall be as follows:
 - a. For buildings not over two stories high, the sum of the widths of the required side yards shall be not less than 35 percent of the width of the lot, and no single side yard shall be less than 40 percent of the total required side yard width, provided that no single side yard shall be less than ten feet in width.
 - b. For buildings more than two stories high, the widths of the side yards required shall be increased an additional four feet in each side yard for each story or fractional story above two stories.
- (d) *Setback.* Unless otherwise provided, there shall be a setback line of not less than 30 feet in the multiple-family residential district, provided that:
- (1) Where 25 percent or more of the frontage is occupied with buildings having an average setback line of more or less than 30 feet, the setback line on any vacant interior lot in such frontage shall be established at the point of intersection of its centerline, drawn from the front street line, and a line connecting the nearest points on the setback lines of the next existing buildings on each side of such vacant lot.
 - (2) On corner lots less than 70 feet wide, the setback on the side street shall be not less than 80 percent of the setback required on the lot in the rear, and in no case less than 20 feet, and no accessory building shall project beyond the setback line of the lots in the rear; provided, however, that in no case shall the buildable width of such corner lot be reduced to less than 27 feet.

(3) Front yard setback shall be a minimum depth of 5' for multiple-family buildings located in the Downtown Redevelopment District.

- (e) *Rear yard.* There shall be a rear yard having a minimum depth of 30 feet for a building two stories or less in height in the multiple-family residential district. For each additional story or fractional story in height, the depth of such rear yard shall be increased five feet.

(1) Rear yard setback shall be a minimum depth of 15 feet for multiple-family buildings located in the Downtown Redevelopment District.

- (f) *Lot area per family.*

- (1) Every building erected or structurally altered for more than two families in the multiple-family residential district shall have a minimum lot area as follows:
 - a. Multiple-family dwelling containing dwelling units having three or more bedrooms: 3,000 square feet.
 - b. Multiple-family dwelling containing dwelling units having two bedrooms: 2,500 square feet.
 - c. Multiple-family dwelling containing dwelling units having one bedroom or less: 2,000 square feet.
- (2) There shall be a maximum floor area ratio in the multiple-family residential district of 0.60.
- (3) There shall be provided two parking stalls for each family unit in the multiple-family residential district, except the parcel of real estate located at 1020 Lakecrest Lane will require only one stall per dwelling unit to allow construction of housing for the elderly. If there should develop a need for more stalls in the future, the developer will provide the stalls.
- (4) No such lot shall be less than 80 feet in width in the multiple-family residential district and shall not be less than 12,000 square feet in area.
- (5) For buildings designed or intended to be used by one family in the multiple-family residential district, the area regulations established for the single-family residential district shall apply.
- (6) For buildings designed or intended to be used by two families in the multiple-family residential district, the area regulations established for the two-family residential district shall apply.

(7) One and a half parking stalls required for each multiple-family unit located in the Downtown Redevelopment District.

- (g) *Land dedication or fee in lieu thereof for park and recreation purposes.* Land dedication, or a fee in lieu thereof, for parks and recreation purposes, pursuant to section 58-10(b) or (c) of this Code, where applicable, is required in the multiple-family residential district.

(Code 2001, § 17.15; Ord. No. 13-2017, § I, 7-17-2017)