

SUBCHAPTER 23-4: BULK REGULATIONS

Section 23.401 Purpose

The purpose of this Subchapter is to indicate the requirements for building location and bulk in both residential and nonresidential developments. The provisions of this Subchapter interact closely with the provisions of Subchapter 23-3, Density and Intensity Regulations.

Section 23.402 How to Use this Subchapter

This Subchapter contains the standards which determine the location and height of buildings on any given site. Prior to using the provisions of this Subchapter to determine the potential layout of a given project, the recommendations provided below should be reviewed. This Subchapter recognizes inherent differences between residential and nonresidential projects, and thus regulates their development in slightly different manners. The description of the process addressing residential property in Subsections (1) and (2) below, refers to the requirements of Section 23.403, Residential Bulk Standards. The description of the process addressing nonresidential property in Subsections (1) and (3) below, refers to the requirements of Section 23.404, Nonresidential Bulk Standards.

(1) For Both Residential, and Nonresidential, Development

(a) Identify the Zoning District and Development Option to Govern Development of the Subject Property

For buildable lots, the Official Zoning Map should be consulted to determine the zoning of the subject property. For proposed developments, the operations required in Subchapter 23-3 should be performed in order to identify the applicable zoning district and development option. Section 23.306 contains a detailed step-by-step description of the recommended procedure for determining the applicable zoning district and development option.

(b) Note the Identified Zoning District and Development Option Applicable to the Subject Property

The applicable zoning district and development option identified for the subject property per Subsection (a), above, should be noted. The development option for residential development determines the Minimum Lot Area (MLA) permitted within the development. This is the key item of information for determining residential bulk regulations. The development option for nonresidential development determines the Maximum Number of Floors (#F) permitted within the development. This is the key item of information for determining nonresidential bulk regulations.

(2) For Residential Development

For Steps (a) and (b), see (1), above.

(c) Determine the Type(s) of Dwelling Unit to be Used

Data for residential bulk standards are presented in a series of illustrations in Section 23.403, with each illustration pertaining to a specific dwelling unit type and its minimum lot size. The type(s) of dwelling unit(s) identified for use in Subsection (a), above, should be used to identify the pertinent subsections of Section 23.403.

(d) **Identify the Bulk Standards for Each Dwelling Unit Type**

Each page of Section 23.403 contains information for all bulk standards applicable to each dwelling unit type. All residential development within a proposed project must conform to the standards of Section 23.403, unless a variance is granted in accordance with Section 24.910 of this Title.

(3) **For Nonresidential Development**

For Steps (a) and (b), see (1), above.

(c) **Determine the Type(s) of Development Options to be Used**

Data for all nonresidential bulk standards are presented in Table 23.404, with each row of the Table pertaining to a specific zoning district and development option. The type(s) of development option(s) identified for use in Subsection (a), above, should be used to identify the pertinent portions of Section 23.404.

(d) **Identify the Bulk Standards for Each Development Option**

Each row of Table 23.404 contains information for all bulk standards applicable to each development option. All nonresidential development within a proposed project must conform to the standards of Section 23.404, unless a variance is granted in accordance with Section 24.910 of this Title.

Section 23.403 Residential Bulk Standards

All residential lots created under the provisions of this Title shall comply with the standards of this Section. These standards are related to the type of development option and type of dwelling unit used, rather than to a specific zoning district. Therefore, all lots created in a subdivision under the same zoning district and development option shall have identical bulk standards, regardless of their lot size. Table 23.203 and Table 23.304 relate each dwelling unit type to each zoning district and development option. (Continued on the next page.)

TABLE 23.403: SUMMARY OF CITY OF DELAVAN RESIDENTIAL BULK STANDARDS

DWELLING UNIT TYPE ↓	MIN ³ LOT AREA (sq ft)	MIN LOT WIDT H (ft)	MINIMUM SETBACKS						MIN DWEL- LING SEP- ARA- TION (ft)	MAX BUILDING HEIGHT (ft)	
			FRON T/ STRE ET (ft)	SIDE TO HOME ¹		REAR TO HOME ¹ (ft)	REAR / SIDE TO ACCES- SORY BLDG (ft)	PAVE- MENT (ft) ⁴		HOME (ft)	ACCES- SORY BLDG (ft) ⁹
				LEAST SIDE (ft)	SUM OF SIDES (ft)						
Single-Family ⁸	35 acres	250	50	25	50	50	50	5/10	50	50	75
	175,000	200	50	25	50	50	50	5/10	50	50	25
	130,000	175	50	25	50	50	50	5/10	50	50	25
	80,000	150	50	25	50	50	50	5/10	50	50	25
	40,000	125	35	15	30	35	10	5/10	30	35	17
	30,000	100	35	15	30	35	10	5/10	30	35	17
	20,000	90	35	15	30	35	10	5/10	30	35	17
	10,500	85	30	12	24	30	7	5/10	24	35	17
	8,000	66	25	10	20	25	5	5/10	20	35	17
Mobile Home	5,000	50	25	10	20	25	5	5/10	20	35	17
Duplex House	(5,000) ²	(33) ²	25	0/10 ⁷	0/20 ⁷	25	5	5/10	0 or 20 ⁶	35	17
Two-Flat House	(4,000) ²	66	25	10	20	25	5	5/10	20	35	17
Townhouse	2,400	20	30	0 or 10 ⁵	0 or 20 ⁵	25	3	5/10	0 or 20 ⁶	35	17
Multiplex	(2,000) ²	60	30	10	20	25	3	5/10	0 or 20 ⁶	35	17
Apartment	(1,400) ²	50	30	10	20	25	3	5/10	0 or 20 ⁶	35	17
Institutional Res.	(800) ²	60	30	10	20	25	3	5/10	0 or 20 ⁶	50	17

(C-735, 1/21/97)

¹See the requirements for bufferyards and for zoning districts in Section 23.610.

²Parenthesis () indicate requirement per dwelling unit.

³Measured from existing or officially mapped right-of-way line, whichever is farthest from the center line of the street. For street with said r-o-w equal to 100 feet, an additional 10 feet of setback is required. (See Section 23.405 (1)(a).)

⁴Minimum of 5 feet from a side or rear yard (check bufferyard requirements also), minimum of 10 feet from a public street.

^{5/6}Setback to\Separation of 0 feet along common wall.

⁷Setback based on one-story/two-story portion of home.

⁸These standards are related to the type of development option and type of dwelling unit used, rather than to a specific zoning district. Therefore, all lots created in a subdivision under the same zoning district and development option shall have identical bulk standards, regardless of their lot size.

⁹Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except an accessory structure may be located in a side yard providing the structure complies with the setback requirements applicable to the principal structure.

Section 23.403 (continued)

(1) Single-Family Detached House 35 acre lot (See illustrative graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RH-35ac), (RE-5ac), (RS-2), (RS-3), (RS-5), (RM-8)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 35 acres
- B:** Minimum Lot Width 250 feet
- D:** Minimum Landscape Surface Ratio (LSR) .90
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 50 feet, add 10 more feet for a lot adjacent to a street with an Officially-Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 50 feet, add 10 more feet for a lot adjacent to a street with an Officially-Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 25 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 50 feet
 - I:** Rear Lot Line to House or Attached Garage 50 feet
 - J:** Side Lot Line to Accessory Structure 25 feet
 - K:** Rear Lot Line to Accessory Structure 50 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 50 feet
- O:** Maximum Height of Dwelling Unit 50 feet
- P:** Maximum Height of Accessory Structure 75 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, and all designated parking surfaces):
Minimum of 4 spaces, 8 spaces if located on street or road with a rural cross-section with reduced pavement width of less than 36 feet

Section 23.403 (continued)

(2) Single-Family Detached House 175,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Use Permitted as Conditional Use in: Equestrian Development in (RE-5ac)

Bulk Standards to be constant within each Zoning District and Development Option

A: Minimum Lot Area 175,000 square feet

B: Minimum Lot Width 200 feet

D: Minimum Landscape Surface Ratio (LSR) .85

Minimum Setbacks:

E: Front or Street Side Lot Line to House 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 25 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 50 feet

I: Rear Lot Line to House or Attached Garage 50 feet

J: Side Lot Line to Accessory Structure 25 feet

K: Rear Lot Line to Accessory Structure 50 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation 50 feet

O: Maximum Height of Dwelling Unit 50 feet

P: Maximum Height of Accessory Structure 25 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

(Includes garage, drives, and all designated parking surfaces):

Minimum of 4 spaces, 8 spaces if located on street or road with a rural cross-section with reduced pavement width of less than 36 feet

Section 23.403 (continued)

(3) Single-Family Detached House 130,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Use Permitted as a Conditional Use in: Loose Cluster Development in (RE-5ac)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 130,000 square feet
- B:** Minimum Lot Width 175 feet
- D:** Minimum Landscape Surface Ratio (LSR) .85
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 25 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 50 feet
 - I:** Rear Lot Line to House or Attached Garage 50 feet
 - J:** Side Lot Line to Accessory Structure 25 feet
 - K:** Rear Lot Line to Accessory Structure 50 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 50 feet
- O:** Maximum Height of Dwelling Unit 50 feet
- P:** Maximum Height of Accessory Structure 25 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, and all designated parking surfaces):
 - Minimum of 4 spaces, 8 spaces if located on street or road with a rural cross-section with reduced pavement width of less than 36 feet

Section 23.403 (continued)

(4) Single-Family Detached House 80,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Use Permitted as a Conditional Use in: Moderate Cluster Development in (RE-5ac)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 80,000 square feet
- B:** Minimum Lot Width 150 feet
- D:** Minimum Landscape Surface Ratio (LSR) .80
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 25 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 50 feet
 - I:** Rear Lot Line to House or Attached Garage 50 feet
 - J:** Side Lot Line to Accessory Structure 25 feet
 - K:** Rear Lot Line to Accessory Structure 50 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
 - N:** Minimum Dwelling Unit Separation 50 feet
 - O:** Maximum Height of Dwelling Unit 50 feet
 - P:** Maximum Height of Accessory Structure 25 feet
 - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, and all designated parking surfaces):
Minimum of 4 spaces, 6 spaces if located on street or road with a rural cross-section with reduced pavement width of less than 36 feet

Section 23.403 (continued)

(5) Single-Family Detached House 40,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Use Permitted as a Conditional Use in: Compact Cluster Development in (RE-5ac)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 40,000 square feet
- B:** Minimum Lot Width 125 feet
- D:** Minimum Landscape Surface Ratio (LSR) .75
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 15 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 30 feet
 - I:** Rear Lot Line to House or Attached Garage 35 feet
 - J:** Side Lot Line to Accessory Structure 10 feet
 - K:** Rear Lot Line to Accessory Structure 10 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 30 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 17 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, and all designated parking surfaces):
Minimum of 4 spaces, 6 spaces if located on street or road with a rural cross-section with reduced pavement width of less than 36 feet

Section 23.403 (continued)

(6) Single-Family Detached House 30,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 30,000 square feet
- B:** Minimum Lot Width 100 feet
- D:** Minimum Landscape Surface Ratio (LSR) .70
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 15 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 30 feet
 - I:** Rear Lot Line to House or Attached Garage 35 feet
 - J:** Side Lot Line to Accessory Structure 10 feet
 - K:** Rear Lot Line to Accessory Structure 10 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 30 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 17 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 4

Section 23.403 (continued)

(7) Single-Family Detached House 20,000 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-2), (RS-3), (RS-5), (RM-8)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 20,000 square feet
- B:** Minimum Lot Width 90 feet
- D:** Minimum Landscape Surface Ratio (LSR) .65
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 15 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 30 feet
 - I:** Rear Lot Line to House or Attached Garage 35 feet
 - J:** Side Lot Line to Accessory Structure 10 feet
 - K:** Rear Lot Line to Accessory Structure 10 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 30 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 17 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 4

Section 23.403 (continued)

(8) Single-Family Detached House 10,500 square foot lot (See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-3), (RS-5), (RM-8)

Use Permitted as a Conditional Use in: Compact Cluster Development in (RS-2)

Bulk Standards to be constant within each Zoning District and Development Option

- A:** Minimum Lot Area 10,500 square feet
- B:** Minimum Lot Width 85 feet
- D:** Minimum Landscape Surface Ratio (LSR) .65
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 12 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 24 feet
 - I:** Rear Lot Line to House or Attached Garage 30 feet
 - J:** Side Lot Line to Accessory Structure 7 feet
 - K:** Rear Lot Line to Accessory Structure 7 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 24 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 17 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 4

Section 23.403 (continued)

(9) Single-Family Detached House 8,000 square foot lot

(See graphic on page 13)

This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted by Right in: (RS-5), (RM-8), (ON)

Use Permitted as a Conditional Use in: Moderate Cluster Development in (RS-3), (BN), (ML) (C-736, 4/8/97)

Bulk Standards to be constant within each Zoning District and Development Option

A: Minimum Lot Area 8,000 square feet

B: Minimum Lot Width 66 feet

D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks:

E: Front or Street Side Lot Line to House 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 10 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 20 feet

I: Rear Lot Line to House or Attached Garage 25 feet

J: Side Lot Line to Accessory Structure 5 feet

K: Rear Lot Line to Accessory Structure 5 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street

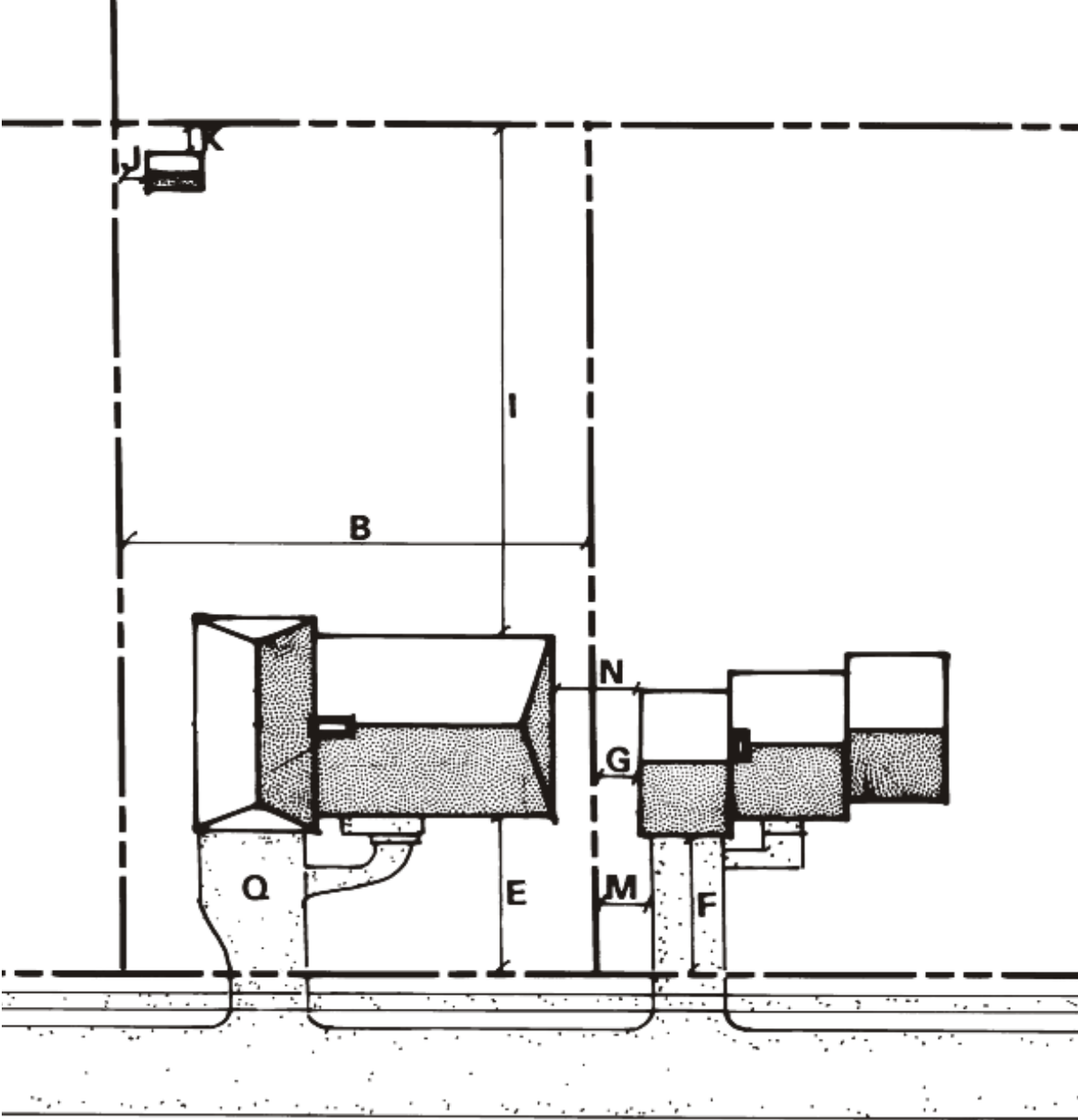
N: Minimum Dwelling Unit Separation 20 feet

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 17 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, & all designated parking surfaces): 3

SINGLE-FAMILY DETACHED HOUSE -- General Illustrative Graphic for All Lot Sizes



Section 23.403 (continued)

(10) Duplex House 10,000 square foot lot (5,000 sq ft per each dwelling unit)

These dwelling unit types consist of a single-family residence, which is attached on one side to another single-family residence. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

These dwelling unit types may be located as a:

Use Permitted by Right in: (RM-8)

Use Permitted as a Conditional Use In: (ON), (ML) (C-736, 4/8/97)

Bulk Standards

A: Minimum Lot Area 5,000 square feet per dwelling unit

B: Minimum Lot Width 33 feet

C: Maximum Floor Area Ratio (FAR) .40

D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks:

E: Front or Street Side Lot Line to House 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 0 feet or 10 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet or 20 feet

I: Rear Lot Line to House or Attached Garage 25 feet

J: Side Lot Line to Accessory Structure 5 feet

K: Rear Lot Line to Accessory Structure 5 feet

L: Peripheral Setback 10 feet

M: Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street

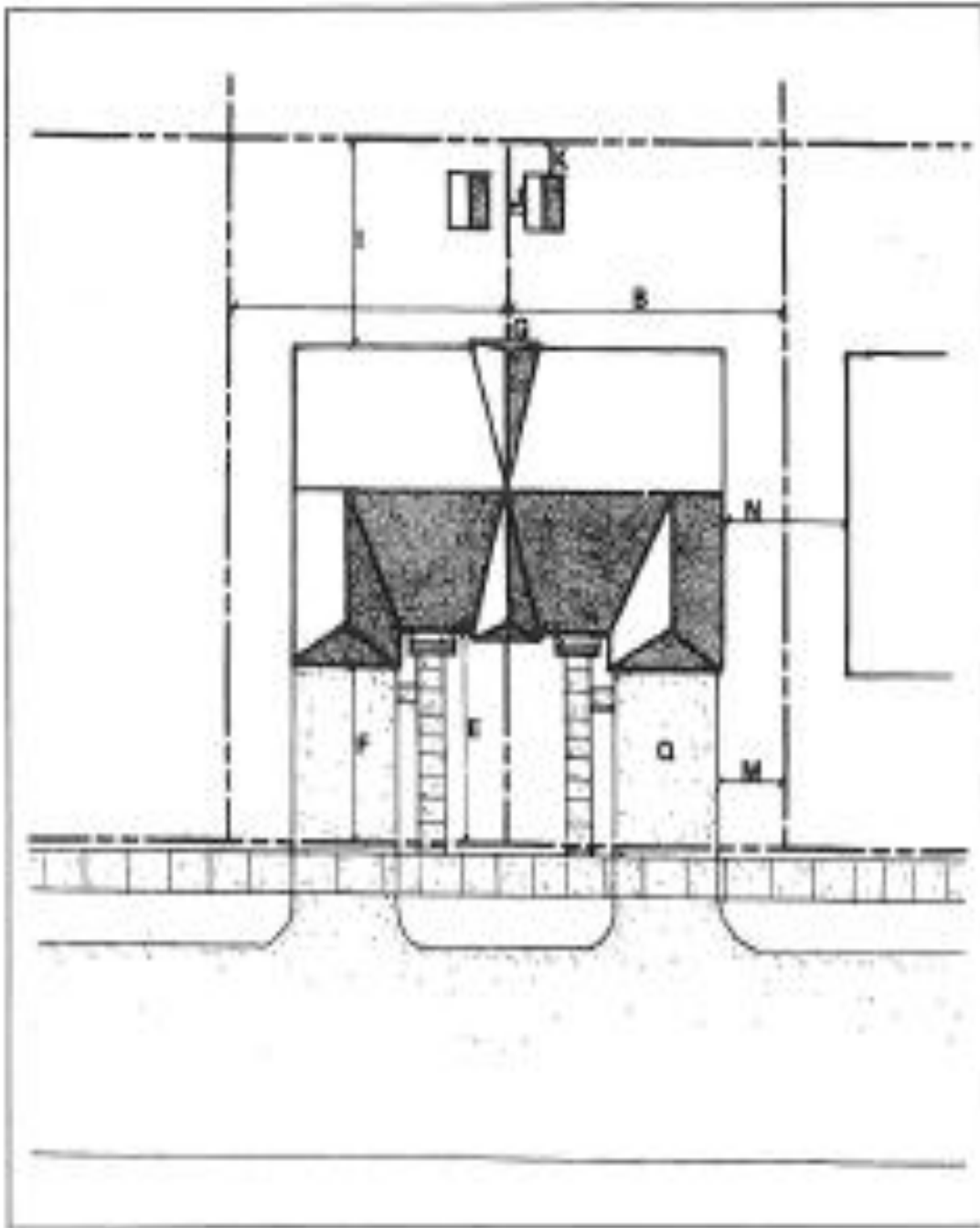
N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit (Includes garage, drives, & all designated parking surfaces): 3

DUPLEX HOUSE -- 10,000 square foot lot (5,000 sq ft per each dwelling unit)



Section 23.403 (continued)

(11) Two Flat House 8,000 square foot lot (4,000 sq ft per each dwelling unit)

This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin One- and Two-Family Dwelling Code (s. 101.60-.66), which has been converted into a two-family residence. The two or more residences are both located on the same lot or within the same group development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of Section 24.905. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

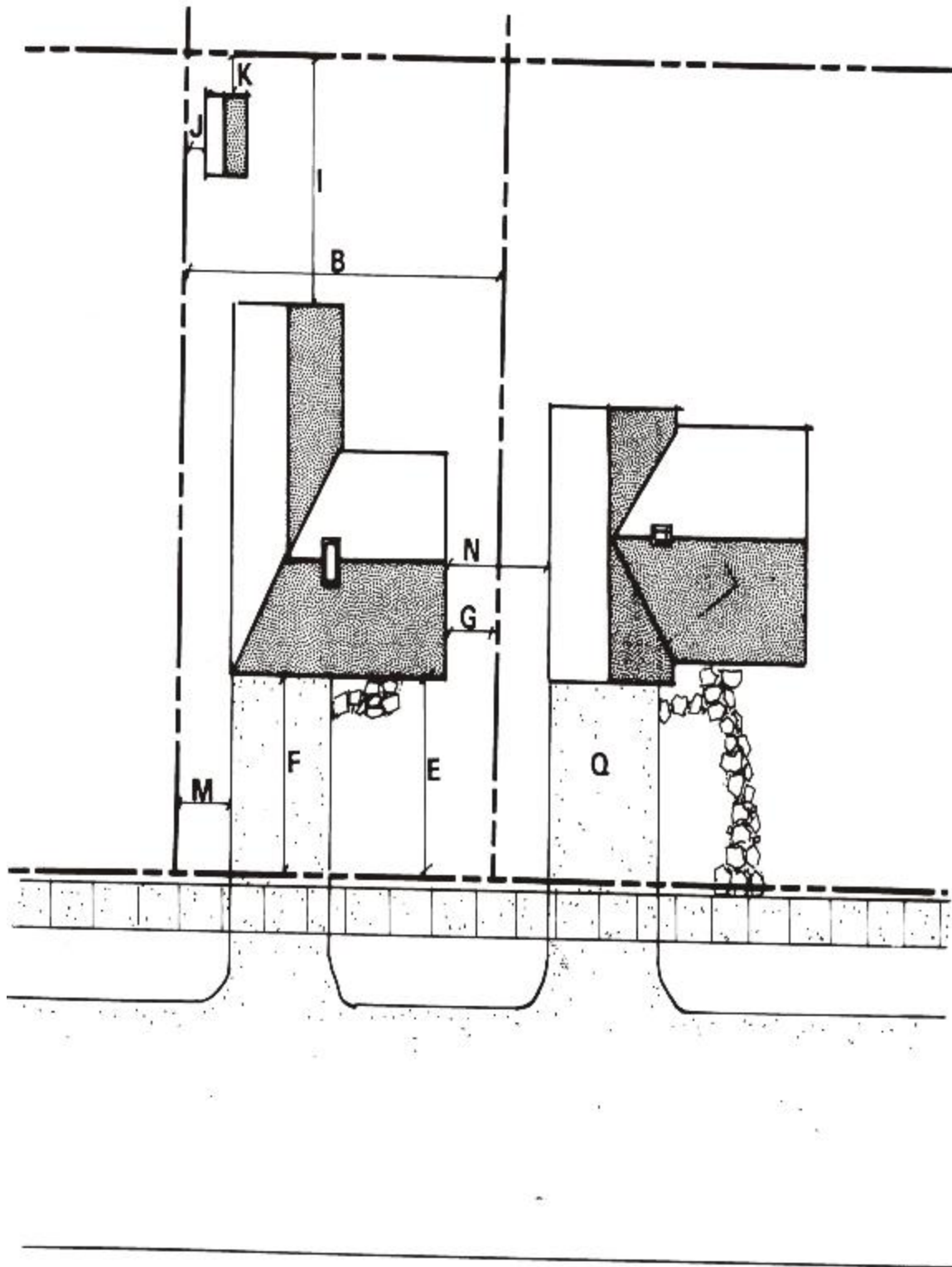
This dwelling unit type may be located as a:

Use Permitted as Conditional Use in: (RS-5), (RM-8), (RM-12), (ON)

Bulk Standards

- A:** Minimum Lot Area 8,000 square feet (4,000 square feet per dwelling unit)
- B:** Minimum Lot Width 66 feet
- C:** Maximum Floor Area Ratio (FAR) .40
- D:** Minimum Landscape Surface Ratio (LSR) .50
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 20 feet
 - I:** Rear Lot Line to House or Attached Garage 25 feet
 - J:** Side Lot Line to Accessory Structure 5 feet
 - K:** Rear Lot Line to Accessory Structure 5 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 20 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required per Dwelling (Includes garage, drives, & all designated parking surfaces): 2.5

TWO-FLAT HOUSE -- 8,000 square foot lot (4,000 square feet per unit)



Section 23.403 (continued)

(12) Townhouse 2,400 square foot lot

This dwelling unit type consists of an attached, two-story, single-family residence which has a private, individual access and is located on its own lot or within a group development. This dwelling unit type may not be split into additional residences. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than 8 and no less than 3 townhouse dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

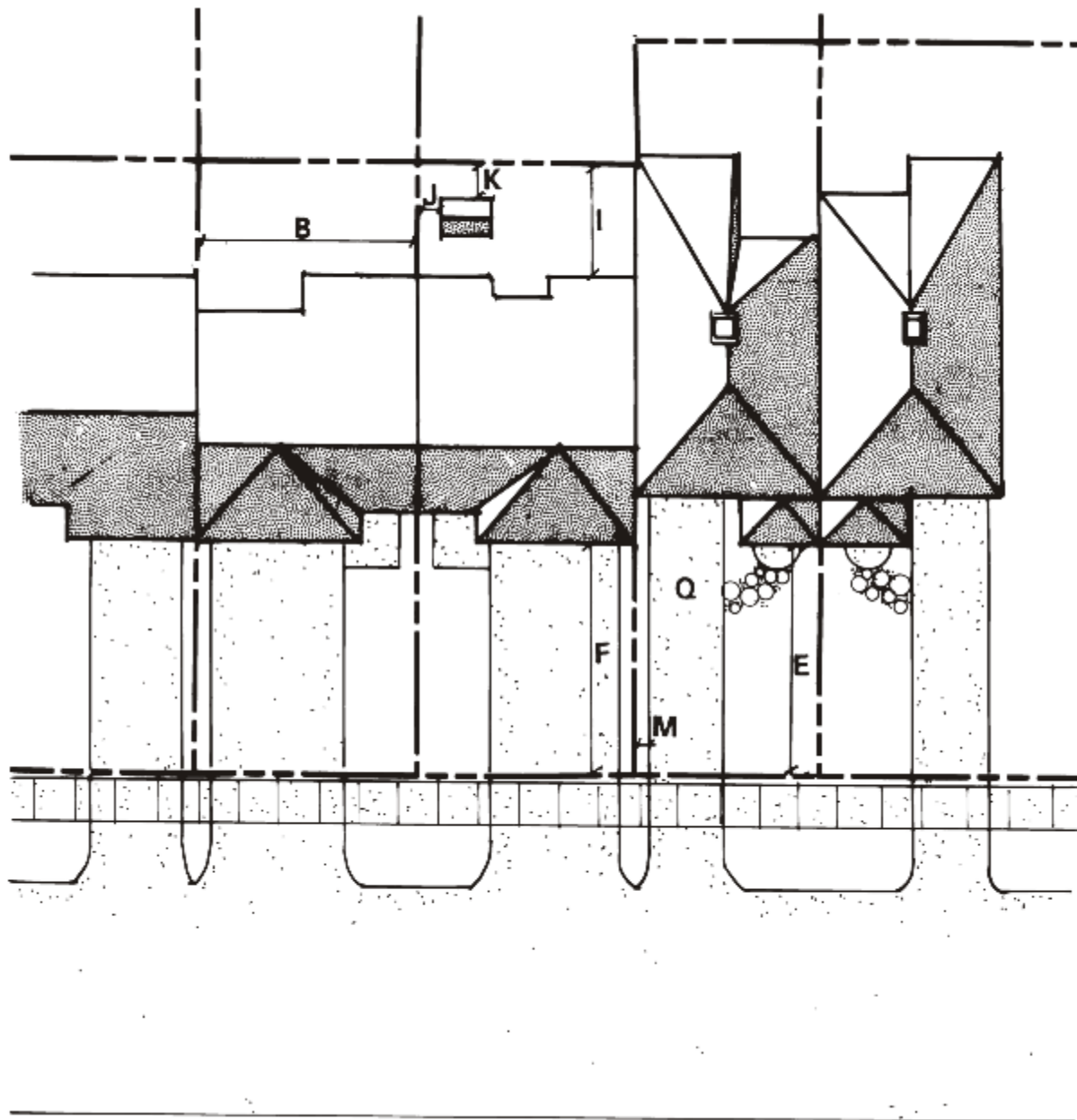
This dwelling unit type may be located as a:

Use Permitted as Conditional Use in: Moderate Cluster Development in (RM-8); (RM-12); (ON); (ML) (C-736, 4/8/97)
In the ML District, a maximum of 4 dwelling units are permitted in any one building (C-736, 4/8/97)

Bulk Standards

- A:** Minimum Lot Area 2,400 square feet
- B:** Minimum Lot Width 20 feet
- C:** Maximum Floor Area Ratio (FAR) .60
- D:** Minimum Landscape Surface Ratio (LSR) .50
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 0 feet or 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 0 feet or 10 feet if located at end of attached row
 - I:** Rear Lot Line to House or Attached Garage 25 feet
 - J:** Side Lot Line to Accessory Structure 3 feet
 - K:** Rear Lot Line to Accessory Structure 3 feet
 - L:** Peripheral Setback 30 feet
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

TOWNHOUSE -- 2,400 square foot lot



Section 23.403 (continued)

(13) Multiplex 2,000 square foot per each dwelling unit

This dwelling unit type consists of an attached, multi-family residence which has a private, individual access. A minimum one- hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 6 and no less than 3 multiplex dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

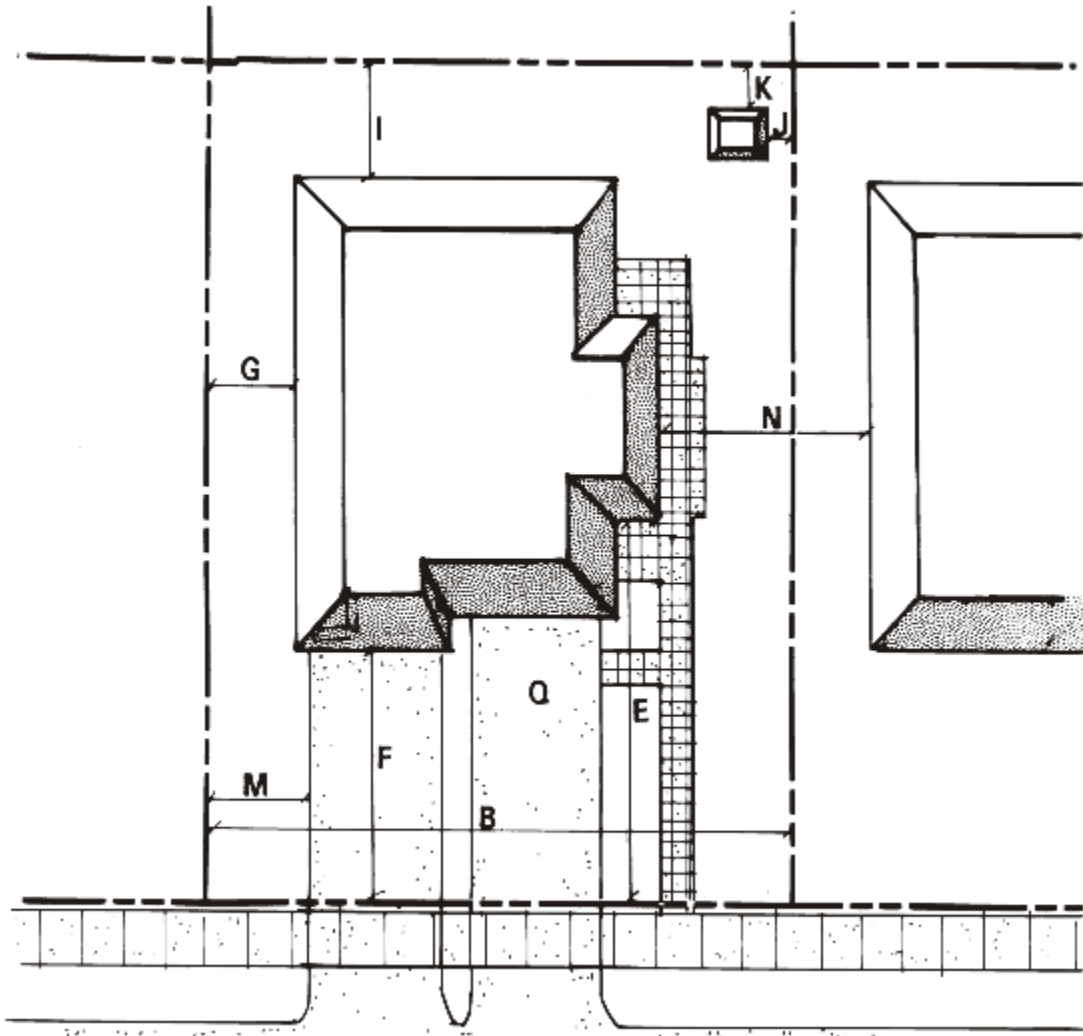
This dwelling unit type may be located as a:

Use Permitted as Conditional Use in: Compact Cluster Development in (RM-8); (RM-12); (ON); (ML) (C-736, 4/8/97)
In the ML District, a maximum of 4 dwelling units are permitted in any one building (C-736, 4/8/97)

Bulk Standards

- A:** Minimum Lot Area 2,000 square foot per each dwelling unit
 - B:** Minimum Lot Width 60 feet
 - C:** Maximum Floor Area Ratio (FAR) .70
 - D:** Minimum Landscape Surface Ratio (LSR) .40, see also Minimum Green Space Ratio (GSR) requirement in Section 23.304.
- Minimum Setbacks:**
- E:** Front or Street Side Lot Line to House 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 20 feet
 - I:** Rear Lot Line to House or Attached Garage 25 feet
 - J:** Side Lot Line to Accessory Structure 3 feet
 - K:** Rear Lot Line to Accessory Structure 3 feet
 - L:** Peripheral Setback 30 feet
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
 - N:** Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet
 - O:** Maximum Height of Dwelling Unit 35 feet
 - P:** Maximum Height of Accessory Structure 15 feet
 - Q:** Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit:
(Includes garage & all designated parking surfaces):
Efficiency Unit: 2.0 spaces
One-Bedroom Unit: 2.0 spaces
Two-Bedroom+ Unit: 2.5 spaces

MULTIPLEX -- 2,000 square foot per each dwelling unit



Section 23.403 (continued)

(14) Apartment 1,400 square foot per each dwelling unit

This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 16 dwelling units, and no less than 3, may be located in a building. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted as Conditional Use in: Compact Cluster Development in (RM-12), (ON)

Bulk Standards

A: Minimum Lot Area 1,400 square foot per each dwelling unit

B: Minimum Lot Width 50 feet

C: Maximum Floor Area Ratio (FAR) .70

D: Minimum Landscape Surface Ratio (LSR) .40, see also
Minimum Green Space Ratio (GSR) requirement in Section 23.304.

Minimum Setbacks:

E: Front or Street Side Lot Line to House 30 feet, add 10 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 30 feet, add 10 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 10 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 20 feet

I: Rear Lot Line to House or Attached Garage 25 feet

J: Side Lot Line to Accessory Structure 3 feet

K: Rear Lot Line to Accessory Structure 3 feet

L: Peripheral Setback 30 feet

M: Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 15 feet

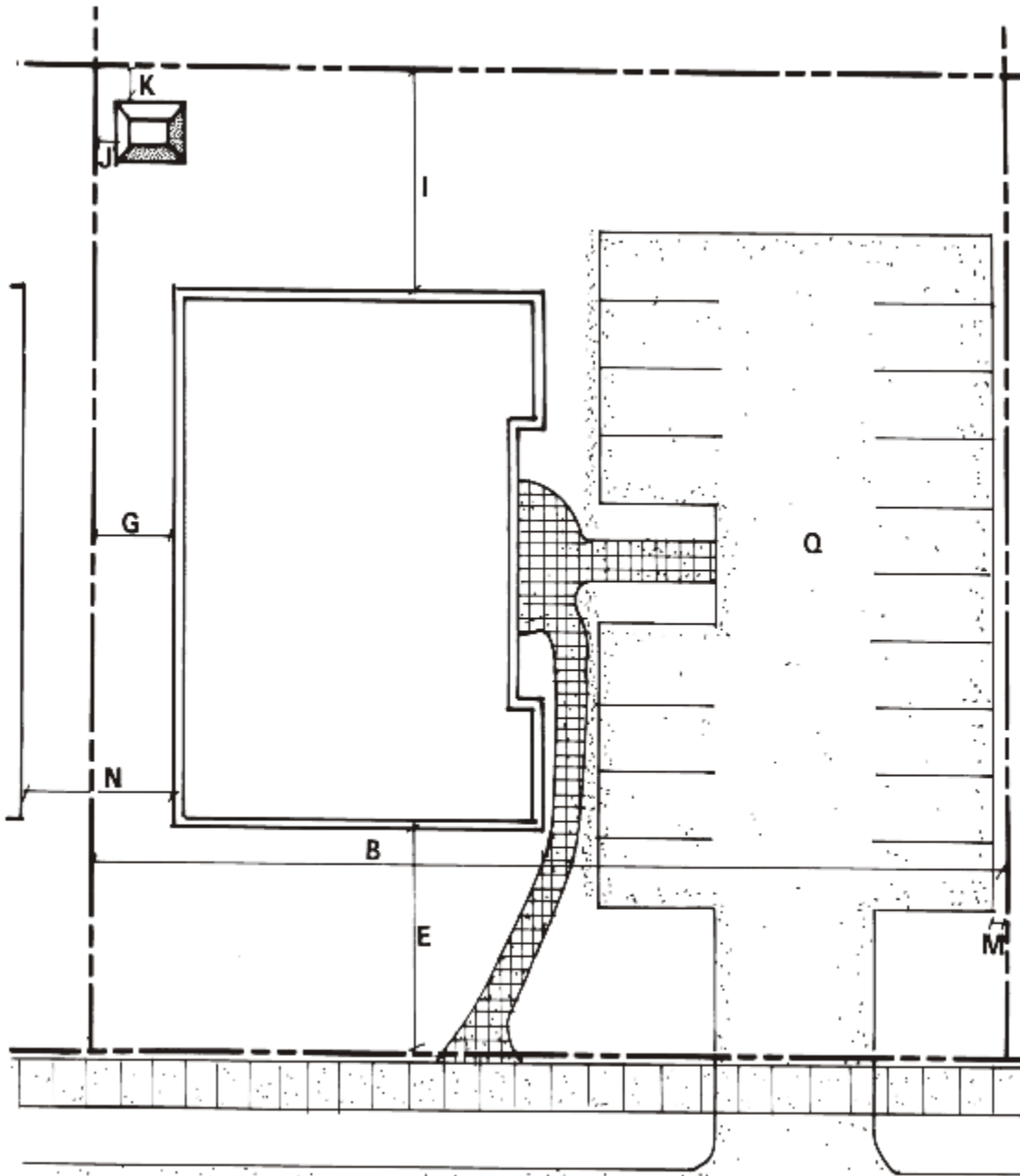
Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit:
(Includes garage & all designated parking surfaces):

Efficiency Unit: 2.0 spaces,

One-Bedroom Unit: 2.0 spaces,

Two-Bedroom+ Unit: 2.5 spaces

APARTMENT -- 1,400 square foot per each dwelling unit



Section 23.403 (continued)

(15) Institutional Residential 800 square foot per each dwelling unit

This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). All institutional residential units within a development shall be located a minimum of 30 feet from the boundary of the development. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

This dwelling unit type may be located as a:

Use Permitted as a Conditional Use in: (RM-12), (ON), (OP), (BR), (BL), (BC), (I), (IR) (RC-319, 6/12/12)

Bulk Standards

- A:** Minimum Lot Area 800 sq ft per dwelling unit
- B:** Minimum Lot Width 60 feet
- C:** Maximum Floor Area Ratio (FAR) .70
- D:** Minimum Landscape Surface Ratio (LSR) not applicable, see Minimum Green Space Ratio (GSR) requirement in Section 23.304.
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 30 feet, add 10 more feet for a lot adjacent to street with and Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage 20 feet
 - I:** Rear Lot Line to House or Attached Garage 25 feet
 - J:** Side Lot Line to Accessory Structure 3 feet
 - K:** Rear Lot Line to Accessory Structure 3 feet
 - L:** Peripheral Setback 30 feet
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet
- O:** Maximum Height of Dwelling Unit 50 feet
- P:** Maximum Height of Accessory Structure 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage & all designated parking surfaces): varies, see Section 23.704 for detailed parking requirements

Section 23.403 (continued)

(16) Mobile Home 5,000 square foot lot

This dwelling unit type consists of a fully detached, single-family residence, which has not received a Federal Manufactured Housing Certificate and which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 23.304 (Residential Density Standards). Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of the Plan Commission. Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the instances permitted by Subsection 23.405(1)(g). (RC-221, 9/19/06)

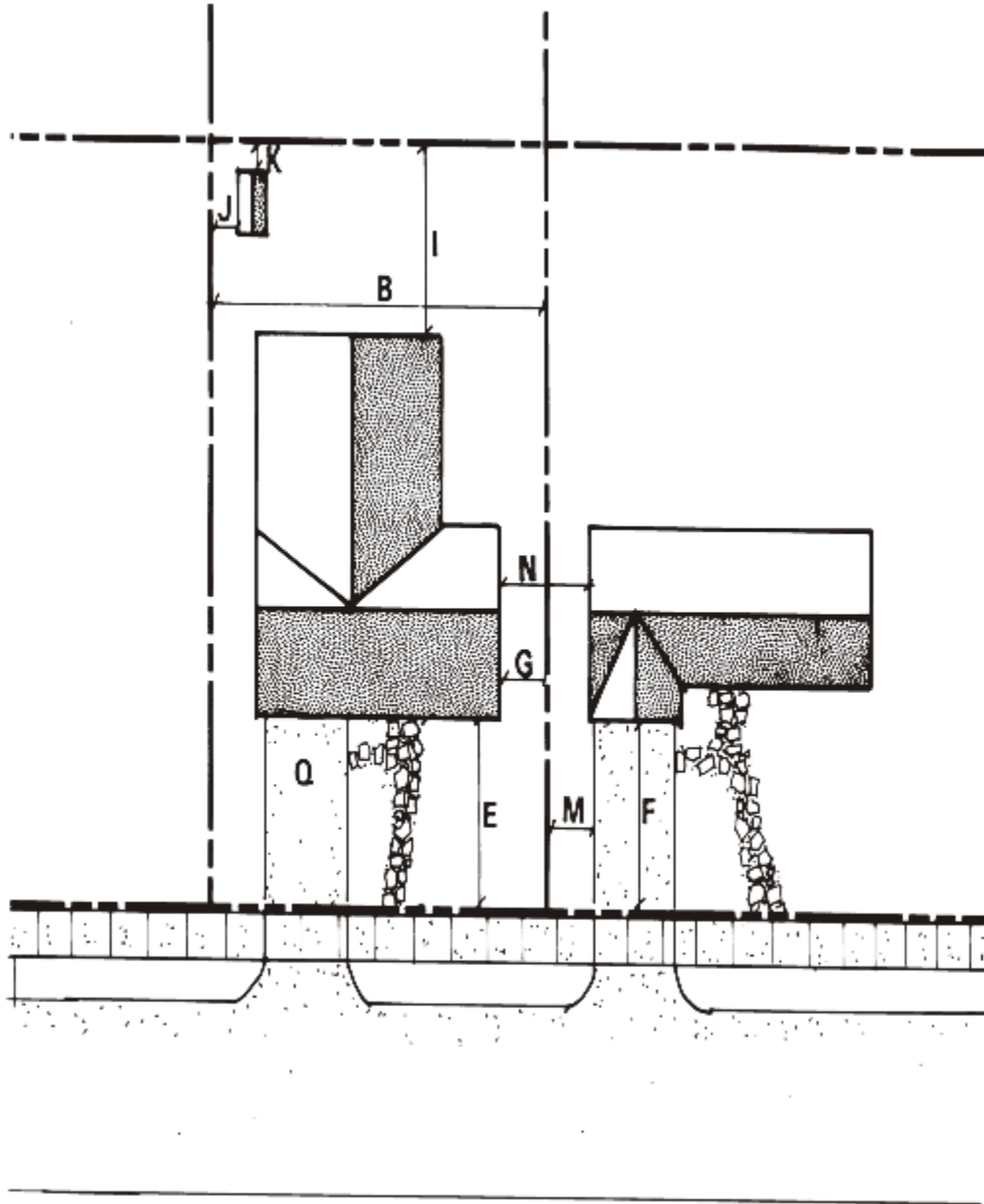
This dwelling unit type may be located as a:

Use Permitted as Conditional Use in: (RM-8)

Bulk Standards

- A:** Minimum Lot Area 5,000 square feet
- B:** Minimum Lot Width 50 feet
- C:** Maximum Floor Area Ratio (FAR) .40
- D:** Minimum Landscape Surface Ratio (LSR) .50
- Minimum Setbacks:**
 - E:** Front or Street Side Lot Line to House 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Garage 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Garage 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Garage 20 feet
 - I:** Rear Lot Line to House or Garage 25 feet
 - J:** Side Lot Line to Accessory Structure 5 feet
 - K:** Rear Lot Line to Accessory Structure 5 feet
 - L:** Peripheral Setback not applicable
 - M:** Minimum Paved Surface Setback 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation 20 feet
- O:** Maximum Height of Dwelling Unit 35 feet
- P:** Maximum Height of Accessory Structure 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

MOBILE HOME -- 5,000 square foot lot



Section 23.404 Nonresidential Bulk Standards

All nonresidential lots created under the provisions of this Title shall comply with the standards of this Section. These standards are related to the specific zoning district and development option used. Table 23.203 and Table 23.305 relate each use with each zoning district and development option.

The following table, 23.404, presents the standards for nonresidential bulk regulations.

The maximum permitted height restriction of 50 feet is based upon the fire-fighting equipment available to the Fire Department as of the effective date of this Title. Should fire fighting equipment be made available to effectively fight fires in structures over 50 feet tall, this maximum limit could be raised.

Prior to such time, if a structure is proposed to exceed this maximum (under the provisions of Section 23.407), it should be equipped with internal fire fighting mechanisms which are approved by the Fire Department as part of the required Conditional Use review process.

(Table 23.404 is found on the following page.)

TABLE 23.404: CITY OF DELAVAN NONRESIDENTIAL BULK STANDARDS

ZONING DISTRICT ↓	MIN LOT WIDTH (ft)	MINIMUM SETBACKS					PAVE-MENT (ft)	MIN BLDG SEP-ARA-TION (ft)	MAX BLDG HEIGHT (ft)
		FRONT/ STREET (ft)	SIDE FROM		REAR FROM				
			RES (ft)	NON-RES (ft)	RES (ft)	NON-RES (ft)			
Rural Holding (RH-35ac)	300	50	50	50	50	50	5/10 ²	50	35
Residential Estate (RE-5ac)	200	50	50	50	50	50	5/10 ²	50	35
Residential SF-2 (RS-2)	200	50	50	25	50	25	5/10 ²	50	35
Residential SF-3 (RS-3)	200	50	50	25	50	25	5/10 ²	50	35
Residential SF-4 (RS-5)	200	50	50	25	50	25	5/10 ²	50	35
Residential Mixed-8 (RM-8)	150	50	50	25	50	25	5/10 ²	50	35
Residential MF-12 (RM-12)	130	50	50	25	50	25	5/10 ²	50	35
Office Neighborhood (ON)	66	25	10	10 ¹	25	25	5/10 ²	20	35
Office Park (OP)	150	25	25	0/10 ¹	25	25	5/10 ²	20	50
Business Neighborhood (BN)	50	25	25	0/10 ¹	25	25	5/10 ²	20	35
Business Regional (BR)	150	25	25	0/10 ¹	25	25	5/10 ²	20	50
Business Local (BL)	50	25	10	0/10 ¹	25	25	5/10 ²	20	50
Business Central (BC)	25	<i>Maximum permitted setback of 0 feet, except where permitted by the Plan Commission as an essential component of site design.</i>			20	20	0 ²	Max = 0 except per Plan Comm.	Min = 20 except per Plan Comm.
Manufacturing Light (ML)	150	25	25	0/10 ¹	25	25	5/10 ²	20	50
Manufacturing General (MG)	100	25	25	0/10 ¹	25	25	5/10 ²	20	50
Manufacturing Heavy (MH)	40	25	10	0/10 ¹	25	25	5/10 ²	20	50

¹Zero feet where property line divides attached buildings.

² See Section 23.606 for required street frontage landscaped areas.

Section 23.405 Yard Setback Adjustments

(1) Front Yard Setback Adjustment

- (a) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, an additional 10 feet of setback is required to address anticipated future conditions of noise and air quality.
- (b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 50 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.
- (c) The setback line on the following named streets, whether it be for front yard or side yard of a corner lot, shall be 100 feet from the centerline of the street, or forty-two (42) feet from the right-of-way line, whichever is greater;
 - a. Geneva, from its intersection with South Seventh Street east to the City Limits.
 - b. Racine, from its intersection with Sugar Creek Road east to the City Limits.
 - c. Beloit Road, from its intersection with Walworth Avenue, southwesterly to the City Limits.
 - d. Walworth Avenue, from its intersection with Beloit Road west to the City Limits.
 - e. Walworth Avenue, from its intersection with the centerline of Fifth Avenue east, on the south side thereof, to the centerline of South Sixth Street and on the north side thereof, east from the said centerline of Fifth Street to the eastern boundary of that unplatted parcel having assessment and tax roll caption of XWUP 102.
 - f. North Shore Drive, from its intersection with Geneva Street south to the City Limits. (RC-203, 5/17/05)
- (d) The setback line on the following named streets whether it be for front or side yard of a corner lot, shall be 75 feet from the centerline of such street whichever is greater:
 - a. County Trunk "M" from its intersection with Walworth Avenue northerly to the City Limits.
 - b. Terrace, from its intersection with McDowell Street northerly to the City Limits.
 - c. Second, from its intersection with the railroad tracks southerly to the City Limits.
- (e) The setback line on the following named streets or parts thereof as specified, whether it be for front or side yard of a corner lot shall be 25 feet from the right-of-way line:
 - a. On Walworth Avenue, on the south side thereof, from the centerline of South Sixth Street to the centerline of South Seventh Street, and; on the north side thereof, from eastern boundary of that unplatted parcel having tax key number of XWUP 102 to the centerline of North Seventh Street.
 - b. Borg Road.
 - c. Wright Street.
 - d. Sugar Creek Road.
- (f) The setback lines established in Subsection 23.405(1)(c) and (d) above, shall not apply in the following cases:
 - a. When a subdivision is of record on May 7, 1957.
 - b. When a lot having maximum width of 131 feet and maximum depth of 121 feet was of record on May 7, 1957 and continues to be of record.
 - c. When a building stood in a particular block of a present business district on May 7, 1957, and so continues to stand, the setback line of which is less than required hereunder, the setback line for that side of the street in said block in

which said building stands shall be the same as that for the existing building.
(RC-221, 9/19/06)

- (g) Accessory uses, structures or buildings shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except in the following instances:
- a. An accessory use, structure, or building may be located in a non-required street side yard providing the structure complies with the setback requirements applicable to the principal structure.
 - b. An accessory use, structure, or building may be located between a street and the principal building on a lot if all of the following requirements are met:
 - i. The lot must have a double frontage, with a public or private street on two opposing sides of the lot - typically at the front and rear of the lot;
 - ii. The accessory use, structure or building must be located beyond the required street yard setback for the principal building, within the non-required yard; and,
 - iii. The accessory use, structure or building, must be located within the non-required rear yard of the lot, rather than within the non-required front yard. The front yard and rear yard for the lot shall be determined by the Zoning Administrator. The Zoning Administrator shall seek to distinguish between the front and rear yards in a manner that is as consistent as possible with other similar situations on the same block frontage.

(2) Side Yard Setback Adjustment

The minimum required side yard setback listed for Single-Family Detached Houses of 8,000 square feet (Section 23.403(9)) are hereby reduced for lots of record existing as of the effective date of this Title. For existing lots of record containing either dwelling unit type, required minimum side yards shall be 5 feet for one-story dwellings and 8 feet for two-story dwellings; and for both dwelling unit types, required total side yards shall be 13 feet for one-story dwellings and 16 feet for two-story dwellings.

Section 23.406 Intrusions into Required Yards

The minimum setback requirements of Sections 23.403 and 23.404 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Title. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per Section 23.610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure beyond the required fence or berm are permitted within the required bufferyard.

(4) Permitted Intrusions Into Required Yards

The following intrusions by buildings and structures are permitted into the specified required yards:

(a) Permitted Intrusions Into Required Front or Street Yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of section 23.707 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not intrude more than 6 feet into any required street yard.
4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than one foot to any street right-of-way. Permitted fence types shall comply with the provisions of Section 23.720(3).

(b) Permitted Intrusions Into Required Rear or Side Yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 23.720.
3. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.
4. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance, provided they do not intrude more than 6 feet into any required side yard. (C-735, 1/21/97)

(c) Permitted Intrusions Into Required Rear Yards:

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance provided they do not intrude more than 6 feet into any required rear yard. (C-735, 1/21/97)
2. Balconies or similar appurtenances to residential buildings which extend more than three feet above grade; provided they do not extend more than six feet into the required rear yard.

(5) All Front Yard and Street Yard Areas

With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

Section 23.407 Exceptions to Maximum Height Regulations

(1) Permitted Exceptions to Maximum Height Regulations

- (a) The maximum permitted number of floors listed for nonresidential uses in Section 23.305 and the maximum height regulations listed for residential uses and residential accessory structures in Section 23.403, and for nonresidential uses and nonresidential accessory structures in Section 23.404, are the maximum permitted number of floors and maximum heights for all buildings and structures, except those exempted by this Section, below.
- (b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.
- (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum number of floor regulations and/or said maximum height regulations with the granting of a Conditional Use Permit which specifically states the maximum permitted number of floors and/or maximum permitted height of the proposed building or structure.

(2) Required Procedure for Exceeding Maximum Height Regulations

In order to secure permission to exceed the maximum height regulations of Sections 23.403 and/or 23.404, and/or 23.407 and/or the maximum number of floors regulations of Section 23.305, per (1)(c) above; the petitioner shall be granted a Conditional Use Permit per the standards and procedures of Section 24.905.

Section 23.408 Substandard Lot Regulations

- (1) Upon and after the effective date of this Title, no lot shall be created which does not meet the Minimum Lot Area (MLA) requirements of Sections 23.304 or 23.305 or which does not meet the lot dimension requirements of Sections 23.403 or 23.404.
- (2) A lot of record existing upon the effective date of this Ordinance in a Residential District (see Section 22.102), which does not meet the Minimum Lot Area (MLA) requirements of this Sections 23.304 or 23.305 or which does not meet the lot dimension requirements of Sections 23.403 or 23.404 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Title. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Title.

Section 23.409 Nonconforming Structure and Building Regulations

- (1) Any structure or building lawfully existing upon the effective date of this Title may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) Nothing in this Title shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.

- (3) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Title, any future modification of said structure or building shall be in conformance with the provisions of this Title.
- (4) Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Title (unless the ability to re-establish a nonconforming use is specifically granted by Council).
- (5) Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.
- (6) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed.
- (7) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
 - (a) That the proposed garage replacement or addition comply with the required setback(s) unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 24.910. (RC-4, 6/10/97)
 - (b) That the proposed garage addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).
 - (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
 - (d) All garage replacements shall comply with all setback requirements.
- (8) Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Title, which will become nonconforming under the provisions of this Title or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Title, and provided that construction is completed within 730 calendar days of the effective date of this Title or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.
- (9) A variance for any and all requirements of this Subchapter is hereby automatically granted to all nonconforming residential dwellings in their configuration existing as of the effective date of this Title. However, after the effective date of this Title, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 24.910.

Rationale: The "blanket variance" provision of (9), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Title. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Delavan which did not meet setback requirements. Second: this Title requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (9), above, ensure that residential structures approved prior to the adoption of this Title do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

Section 23.410 Minimum Living Area Requirements

Notwithstanding anything contained herein to the contrary, in no case shall a residential dwelling constructed in the RE-5ac District, RS-2 District, RS-3 District, RS-5 District or RM-8 District have a total minimum floor area having less than the following square footage:

Single-Family Detached Dwelling	1,200 sq. ft.
Duplexes	1,000 sq. ft.
Townhouses	900 sq. ft.
Apartment Units	Two-Bedroom-800 sq. ft.: One-Bedroom-700 sq. ft.; and Efficiency-500 sq. ft.

This requirement shall not apply to substandard lots which are buildable within the meaning of Section 23.408 of this code. This requirement shall not apply to residential dwellings constructed prior to the effective date of this ordinance, and such dwellings subsequently damaged or destroyed may be repaired or rebuilt having its pre-existing minimum living area, as defined herein, but in no event shall it be repaired or rebuilt having a minimum living area less than its pre-existing square footage. For purposes of this minimum living area requirement, the phrase "living area" shall mean the total area located within the exterior walls of a residential dwelling measured at floor level, but shall not include basement areas, garages, porches, breeze ways, decks and unfinished attics. However, the phrase "living area" shall include each separate floor of a home, except as may be excluded herein. (RC-79, 11/9/99)