



Chapter 11 – Zoning

City of Wisconsin Rapids, Wisconsin

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Chapter 11 – Zoning Code
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CHAPTER 11 – ZONING

ARTICLE 1
GENERAL PROVISIONS

Sections

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11.01.01 Title

This chapter shall be known as the “Zoning Code, City of Wisconsin Rapids, Wisconsin” and may be referred to herein as this “chapter.”

11.01.02 Authority

(a) **Generally.** This chapter is adopted under the general authority granted by s. 62.23(7), Wis. Stats.

(b) **Wellhead protection.** Provisions relating to wellhead protection are adopted under authority granted by s. 62.23(7), Wis. Stats.

(c) **Floodplain regulations.** Provisions relating to floodplain development are adopted under authority granted by s. 62.23(7), Wis. Stats., and the requirements in s. 87.30, Wis. Stats.

(d) **Shoreland-wetland regulations.** Provisions relating to shoreland-wetland regulations are adopted under authority granted by s. 62.231, Wis. Stats.

(e) **Shoreland regulations.** Provisions relating to shoreland regulations are adopted under authority granted by s. 62.233, Wis. Stats.

(f) **Traditional neighborhood development.** Provisions related to traditional neighborhood development are adopted under authority granted by s. 66.1027, Wis. Stats.

11.01.03 Jurisdiction

This chapter shall apply to that land lying within the City of Wisconsin Rapids, the boundary of which may change over time through annexations and detachments.¹

11.01.04 Legislative findings

(a) **General findings.** The Common Council makes the following legislative findings:

- (1) The Common Council adopted a comprehensive plan pursuant to s. 66.1001, Wis. Stats., as set forth in Chapter 37.
- (2) This chapter is intended to be consistent with and further the overall intent of the city’s comprehensive plan, as may be amended.
- (3) The use of land in the City has a direct bearing on the public health, safety, and welfare.

¹ Commentary: An annexation removes land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

- (4) Standards are needed to ensure that new development is done in a coordinated manner.
- (5) The provisions contained in this article are adopted consistent with state statutes.
- (6) Each parcel of land in the City is intended to have a zoning designation.
- (7) In some instances, state and federal law limit the City's ability to regulate certain land uses.

(b) **Other findings.** Other legislative findings are included in various articles, divisions, and sections of this chapter as may be appropriate.

11.01.05 Purpose

(a) **General purpose.** This chapter promotes the public health, safety, and welfare and is intended to:

- (1) implement the goals, objectives, and policies of the City's comprehensive plan to the greatest extent practicable;
- (2) support the recommendations set forth in the 2009 Downtown Waterfront Plan;
- (3) support the plans and programs set forth in the 2016 Riverfront Park Plan;
- (4) support the City's SolSmart designation (i.e., for solar energy);
- (5) support the City's Bird City Wisconsin designation;
- (6) encourage the most appropriate use of land throughout the City;
- (7) conserve the value of buildings;
- (8) provide for a variety of housing options;
- (9) separate incompatible land uses to the greatest extent possible;
- (10) allow different, but compatible land uses (i.e., mixed uses), to occur in specified areas of the City;
- (11) avoid, or, as a less preferred alternate, minimize congestion;
- (12) avoid, or, as a less preferred alternate, minimize environmental degradation;
- (13) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this chapter; and
- (14) establish minimum standards for the use or development of land within the City.

(b) **Specific purposes.** Pursuant to s. 62.23(7), Wis. Stats., this chapter is intended to:

- (1) secure safety from fire, panic, and other dangers;
- (2) promote health and general welfare;
- (3) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (4) encourage the protection of groundwater resources;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population;
- (7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- (8) preserve burial sites, as defined in s. 157.70(1)(b), Wis. Stats.

(c) **Other purposes.** Other purposes may be included in various articles, divisions, and sections of this chapter as may be appropriate.

11.01.06 Re-enactment and repeal

This chapter carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters which the Common Council adopted under authority of state law prior to the effective date of this chapter. This chapter is not intended to repeal those regulations in their entirety, but rather to re-enact and

continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter. If a provision in the regulations which were in effect on the date this chapter became effective is not specifically carried forward in this chapter, such provision is repealed. As to the effect of this section on existing land uses refer to Article 19.

11.01.07 Compliance

(a) **Generally.** Except as specifically provided, the provisions of this chapter shall apply to all development within the City of Wisconsin Rapids. No development shall be undertaken without the prior authorizations required by this chapter and other applicable rules and regulations of the City of Wisconsin Rapids.

(b) **Exception for a previously granted permit or other approval.** If a permit or other approval has been previously granted and the authorized work, in whole or in part, is no longer allowed under the current zoning regulations, the holder of the permit is authorized to establish the use or undertake the authorized work within one year of the date of the approval. If the action, as authorized by the permit or other approval, does not commence within that time period and continue in good faith to completion, such permit shall lapse and be null and void.

(c) **Exception for the establishment a use, structure, building not requiring authorization.** If prior to the adoption of this chapter, or amendment thereto, a land use, structure, or building is actively being established that did not require a permit or other approval under the zoning regulations in effect at that time, said work may continue to completion even when such land use, structure, or building (1) now requires a permit or other authorization under this chapter, (2) is being developed contrary to this chapter, or (3) is otherwise prohibited under this chapter.

11.01.08 Numbering of sections

Each section number consists of three component parts separated by a period. The first figure refers to the chapter number, the second figure refers to the article number, and the last figure represents the position of the section within the article.

11.01.09 Liability

(a) **Generally.** The City of Wisconsin Rapids and its officials, agencies, employees, agents, and assigns shall not be liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

(b) **Floodplain development.** The flood protection standards in this chapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages.

11.01.10 Severability

(a) If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling.

(b) If any application of this chapter to a particular structure or parcel is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not apply to any other structure or parcel not specifically included in the ruling.

11.01.11 Additional local regulations

In addition to meeting the regulations contained in this chapter, the use and development of land shall comply with all applicable regulations in the municipal code, including the following:

- (1) Subdivision and Platting (Chapter 12)
- (2) Official Map (Chapter 13)
- (3) Building Code (Chapter 14)
- (4) Licenses, Permits, and Business Regulations (Chapter 20)

- (5) Airport (Chapter 21)
- (6) Mobile Homes and Mobile Home Parks (Chapter 24)
- (7) Historic Preservation (Chapter 31)
- (8) Construction Site Erosion (Chapter 32)
- (9) Post-construction Stormwater Management (Chapter 35)
- (10) Sign Regulations (Chapter 46)

In all cases, the strictest of the applicable provisions shall apply.

11.01.12 Relationship of this chapter to other regulations

In addition to meeting the requirements contained in this chapter, the use and development of land shall comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions shall apply.

11.01.13 Relationship of this chapter to private agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing the use and development of land. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter shall apply.

11.01.14 Relief from other provisions

Nothing in these provisions shall relieve any person from satisfying any condition or requirement associated with a previous approval issued under this chapter, or any local, state, or federal law or requirement.

11.01.15 Applicability to public entities

This chapter shall apply to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted by state and federal law from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

11.01.16 Applicability to projects under the purview of the Public Service Commission

This chapter shall apply to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.² The Planning Commission or the Common Council, or both, may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

11.01.17 No defense to nuisance action

Compliance with the standards and requirements in this chapter shall not constitute an absolute defense to an action to abate a public or private nuisance.

11.01.18 Copyright protection

This chapter contains images that are copyright protected and are denoted as such. All such images are used with permission of the copyright holder for the exclusive purposes of this chapter. Any images subject to copyright protection may be reproduced as part of this chapter and are subject to the open records law of Wisconsin but may not be used in other works without the permission of the copyright holder.

² Commentary: See s. 196.491(3)(i), Wis. Stats., and also *American Transmission Co., LLC v. Dane County*, 2009 WI App. 126

ARTICLE 2 INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

Sections

11.02.01	General rules	11.02.08	Interpretation of boundaries and designations for base zoning districts
11.02.02	Interpretation	11.02.09	General rules of interpretation
11.02.03	Delegation of authority	11.02.10	Computation of time
11.02.04	Internal conflicts	11.02.11	Fractions
11.02.05	Website	11.02.12	Land use descriptions
11.02.06	Use of graphics, illustrations, headings, references, and commentary notes	11.02.13	General definitions
11.02.07	References to state and federal law		

11.02.01 General rules

(a) **Generally.** In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the City so the true intent and meaning of this chapter is carried out as set forth in s. 11.01.05.

(b) **Minimum requirements.** The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other power granted by state statute.

11.02.02 Interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued consistent with Article 5 of this chapter.

11.02.03 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform an administrative act, such individual may designate, delegate, or authorize a subordinate to perform the administrative act unless state law or the provision clearly specifies otherwise.

11.02.04 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

11.02.05 Website

The City may create and maintain a website to share the key aspects of this chapter, including the zoning map, in an interactive platform. If there is any discrepancy between such website and this chapter, this chapter controls.

11.02.06 Use of graphics, illustrations, headings, references, and commentary notes

(a) **Purpose.** Graphics, illustrations, headings, references, statutory citations, and commentary notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Commentary notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.

(b) **Interpretation.** A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

(c) **Effect of deficiency.** Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or commentary note.

11.02.07 References to state and federal law

If a provision in this chapter references a requirement in state law, and that law is subsequently amended, this chapter shall reflect that change.

If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is determined by the city attorney that the city has the authority to apply the repealed language.

11.02.08 Interpretation of boundaries and designations for zoning districts

(a) **Boundary line interpretations.** Interpretations regarding boundaries of zoning districts shall be made consistent with the following rules:

- (1) **Municipal boundaries.** A boundary shown as following, or approximately following, any municipal boundary shall be construed as following such line.
- (2) **Section lines.** A boundary shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.
- (3) **Property lines.** A boundary shown as following, or approximately following, any property boundary line shall be construed as following such line.
- (4) **Centerlines.** A boundary shown as following, or approximately following, any railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.
- (5) **Natural boundaries.** A boundary shown as following, or approximately following, any natural feature such as a stream, river, canal, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.
- (6) **Shorelines.** A boundary shown as following, or approximately following, a shoreline shall be construed as following the shoreline. In the event the location of the shoreline moves over time, the boundary shall move as well.
- (7) **Line extensions.** A boundary shown as an extension of a straight line for any of the preceding shall be so construed.

In the event there is an unresolved question as to the location of a zoning district boundary, the Planning Commission shall review such matter at a regular or special meeting and render a decision.

(b) **Street abandonment.** In the event a public road, street, or alley is officially vacated or abandoned, the zoning provisions applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by city action.

11.02.09 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

- (1) **Gender.** Words of the masculine gender include the feminine and neuter, and vice versa.
- (2) **Singular and plural words.** Words in the singular include the plural and words in the plural include the singular.
- (3) **Tense.** Words in the present tense include the past and future tense, and the future tense includes the present tense.
- (4) **"Must", "shall" and "will".** The words "must", "shall" and "will" imply a mandatory condition.
- (5) **"May" or "should".** The words "may" and "should" imply a permissive condition.
- (6) **"Includes" or "including".** The words "includes" or "including" shall not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.
- (7) **"Such as".** The phrase "such as" shall not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

- (8) **Conjunctions.** When used at the end of a series, the word “and” indicates that all listed items apply. When the word “or” is used at the end of a series, it indicates that one or more of the listed items apply.

11.02.10 Computation of time

When a time period is specified in this chapter, the first day of the period shall be the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday recognized by the state of Wisconsin, that day shall be excluded and the time period shall be extended to the next business day. For any time period 10 days or less, Saturdays, Sundays, and legal holidays recognized by the state of Wisconsin shall not be counted.

11.02.11 Fractions

(a) **Required quantities.** When a calculation is made to determine the minimum number of a required quantity (e.g., parking spaces) and results in a fraction, the number shall be rounded up to the next whole number.

(b) **Allowable units.** When a calculation is made to determine the number of dwelling units that may be allowed based on a density factor and results in a fraction, the number shall be rounded down to the next whole number.

11.02.12 Land use descriptions

For the purpose of chapter, land uses that are permissible in one or more of the zoning districts are described as set forth in Appendix B. For organizational purposes, similar land uses are grouped together to form a series. The first 17 series are for principal land uses, accessory land uses are found in Series 18, and temporary land uses are found in Series 19.

11.02.13 General definitions

(a) **Words and phrases not defined.** Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(b) **Words and phrases defined.** For the purpose of this chapter, certain words and phrases are defined in Appendix E and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

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ARTICLE 3 ADMINISTRATIVE BODIES

Divisions

1. Planning Commission
2. Zoning Board of Appeals
3. Groundwater Technical Review Committee
4. Zoning administrator

DIVISION 1 PLANNING COMMISSION

Sections

11.03.01	Establishment	11.03.06	Meetings
11.03.02	Authority	11.03.07	Meeting minutes
11.03.03	Composition and appointment of members	11.03.08	Schedule of meetings
11.03.04	Officers	11.03.09	Voting and quorum
11.03.05	Commission procedures	11.03.10	Compensation of members
		11.03.11	Official oath

11.03.01 Establishment

Pursuant to s. 62.23(1), Wis. Stats., a planning commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

11.03.02 Authority

(a) **Generally.** The Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning and development for the City of Wisconsin Rapids, whether enumerated in this section or not.³

(b) **Right to enter property.** The Planning Commission, its individual members, and employees, and authorized agents, may enter upon land which is the subject of a pending application it has authority to act on as set forth in s. 11.04.09.⁴ The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(c) **Staff.** The Planning Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Common Council for such purpose.⁵

(d) **Official map.** The Planning Commission may recommend the adoption of or amendment to an official map.⁶

(e) **Comprehensive plan.** The Planning Commission may by resolution recommend to the Common Council the adoption of or amendment to an adopted comprehensive plan.⁷

(f) **Code amendments.** The Planning Commission shall review and submit recommendations to the Common Council regarding the amendment of this chapter.

(g) **Development review.** The Planning Commission shall render decisions and recommendations relating to development applications required by this chapter.

³ Commentary: See s. 62.23(4), Wis. Stats.

⁴ Commentary: See s. 62.23(4), Wis. Stats.

⁵ Commentary: See s. 62.23(1)(e), Wis. Stats.

⁶ Commentary: See s. 62.23(6), Wis. Stats.

⁷ Commentary: See s. 62.23(2), Wis. Stats.

(h) **Miscellaneous reports.** The Planning Commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens. It may recommend to the Mayor or Common Council, programs for public improvements and the financing thereof.

(i) **Mandatory referral.** Pursuant to state statute, the following shall be referred to the Planning Commission for report:

- (1) the location and architectural design of any public building;
- (2) the location of any statue or other memorial;
- (3) the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;
- (4) the location, extension, abandonment or authorization for any public utility whether publicly or privately owned;
- (5) all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236, Wis. Stats.;
- (6) the location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children;
- (7) the amendment or repeal of any ordinance adopted pursuant to this section, and
- (8) any other matter provided by statute.

Unless such report is made within 30 days, or such longer period as may be stipulated by the Common Council, the council or other public body or officer, may take final action without it.

(j) **Floodplain management.** With respect to floodplain management, the Planning Commission shall oversee the zoning administrator and the general administration of the floodplain regulations in this chapter, and review and make recommendations to the Common Council on all proposed amendments to this chapter.

(k) **Right to request information.** All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

11.03.03 Composition and appointment of members

(a) **Number and appointment.** The Planning Commission shall consist of 7 voting members as follows: the Mayor, one Alderperson, and 5 citizens. The Common Council shall, by a two-thirds vote of its members, elect one of its number to serve. The Mayor shall make citizen appointments during the month of April for terms that expire in April or at any other time of the year if a vacancy occurs during the middle of a term.⁸

(b) **Terms.** The term of the Mayor shall coincide with his or her elected term. The elected alderperson shall serve on the commission for a period of one year from and after the first day of May next ensuing. Each citizen member shall be appointed to a 3-year term.⁹

(c) **Considerations in making citizen appointments.** Citizen members shall be persons of recognized experience and qualifications and shall be residents of the City of Wisconsin Rapids and/or own property in the City of Wisconsin Rapids.¹⁰ The number of non-residents serving on the Planning Commission is limited to two.

(d) **Conditions for removal.** A citizen member shall be removed from the Planning Commission and the member's office declared vacant when the member moves outside of the City or no longer owns property in the City of Wisconsin Rapids. The Mayor may remove any citizen member in his or her discretion. If the Mayor or a Common Council member serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

(e) **Vacancies.** Vacancies shall be filled in the same manner as an appointment for a full term.

⁸ Commentary: See s. 62.23(1)(d), Wis. Stats.

⁹ Commentary: See s. 62.23(1)(d), Wis. Stats.

¹⁰ Commentary: See s. 62.23(1)(a), Wis. Stats.

(f) **Ex-officio member.** The Director of Public Works, or designee, and a representative of the Park and Recreation Committee may attend and participate in Planning Commission meetings as non-voting members.

11.03.04 Officers

The Mayor shall serve as the chairperson of the Planning Commission. The Planning Commission shall fill the following offices by election of its members: vice-chairperson and other officers in their judgment may be necessary.

11.03.05 Commission procedures

The Planning Commission may adopt rules of procedure to carry out its purposes. All such rules shall conform to this chapter, other city regulations, and state law and shall be filed in the office of the City Clerk.¹¹

11.03.06 Meetings

Meetings of the Planning Commission shall be open to the public unless conducted in closed session as authorized by state law. All meetings except site visits shall be conducted in the City Hall or in such other public place as may be selected by the commission.

11.03.07 Meeting minutes

The Planning Commission shall keep minutes of its proceedings. The commission may amend previously adopted minutes provided such revision is based on substantive evidence.

11.03.08 Schedule of meetings

Meetings of the Planning Commission shall be held at the call of the chairperson of the commission and at such other times as the commission may determine.

11.03.09 Voting and quorum

(a) **Requirements for quorum.** A quorum of the Planning Commission shall consist of 4 voting members.

(b) **Requirements for voting.** Unless otherwise specifically stated, a decision of the Planning Commission shall be approved by a majority vote of the members of the commission present and voting.

(c) **Disqualification or voluntary abstention.** A member of the Planning Commission shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19, Wis. Stats.; (4) the member would violate the city's code of ethics set forth in Chapter 26 of the municipal code; (5) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (6) another law precludes participation.

11.03.10 Compensation of members

Members of the Planning Commission may be compensated as determined by the Common Council.

11.03.11 Official oath

Citizen members of the Planning Commission shall take the official oath as required by s. 19.01, Wis. Stats. The City Clerk shall keep a copy of such oaths.

11.03.12 to 11.03.20 Reserved

¹¹ Commentary: See s. 62.23(2), Wis. Stats.

DIVISION 2 ZONING BOARD OF APPEALS

Sections

11.03.21	Establishment	11.03.29	Schedule of meetings
11.03.22	Authority	11.03.30	Voting and quorum
11.03.23	Authority of chairperson	11.03.31	Offices
11.03.24	Composition and appointment of members	11.03.32	Appropriations
11.03.25	Officers	11.03.33	Compensation of members
11.03.26	Board procedures	11.03.34	Official oath
11.03.27	Meetings	11.03.35	Legal counsel
11.03.28	Meeting minutes		

11.03.21 Establishment

Pursuant to s. 62.23(7)(e), Wis. Stats., a Zoning Board of Appeals is established to undertake the responsibilities as defined in this chapter and state law.

11.03.22 Authority

(a) **Administrative appeals.** The Zoning Board of Appeals shall hear and decide administrative appeals consistent with the requirements in Article 5 of this chapter where it is alleged that the zoning administrator (1) failed to act as required by this chapter; (2) made an error in issuing a permit or in denying an application; (3) made an error in enforcement; or (4) made an error in any other determination. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(b) **Variances.** The Zoning Board of Appeals shall hear and decide variances consistent with the requirements in Article 5 of this chapter.

(c) **Right to enter.** The Zoning Board of Appeals, its individual members, employees, and authorized agents, may enter upon land which is the subject of a pending application as set forth in s. 11.04.09.

(d) **Amendments to this chapter.** The Zoning Board of Appeals may recommend amendments to this chapter it deems appropriate.

11.03.23 Authority of chairperson

The chairperson of the Zoning Board of Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.¹²

11.03.24 Composition and appointment of members

(a) **Number and appointment.** The Zoning Board of Appeals shall consist of 5 regular members as appointed by the Mayor, subject to confirmation by the Common Council.¹³

(b) **Alternates.** The Mayor shall, subject to confirmation by the Common Council, appoint 2 alternates to the Zoning Board of Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.¹⁴

(c) **Considerations in making appointments.** Regular members and alternate members of the Zoning Board of Appeals shall reside in the City of Wisconsin Rapids.¹⁵ A city employee shall not serve as a regular member or as an alternate. The Mayor or any member of the Common Council may not serve on the Zoning Board of Appeals.

¹² Commentary: See s. 62.23(7)(e)(3), Wis. Stats.

¹³ Commentary: See s. 62.23(7)(e)(2), Wis. Stats.

¹⁴ Commentary: See s. 62.23(7)(e)(2), Wis. Stats.

(d) **Terms.** Each regular member on the Zoning Board of Appeals shall be appointed to hold office for a period of 3 years, except that for regular members 2 of those first appointed shall serve for one year, 2 for 2 years, and the fifth for 3 years.

(e) **Removal.** The Mayor may remove a regular member or an alternate from the Zoning Board of Appeals.

(f) **Vacancies.** Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.

11.03.25 Officers

The Mayor shall designate one regular member to be the chairperson of the Zoning Board of Appeals. The Board may elect other officers deemed necessary.

11.03.26 Board procedures

The Zoning Board of Appeals may adopt rules of procedure to carry out its purposes. All such rules shall conform to this chapter, other City regulations, and state law and shall be filed in the office of the City Clerk.

11.03.27 Meetings

Meetings of the Zoning Board of Appeals shall be open to the public unless conducted in closed session as authorized by state law.¹⁶ Meetings, except for site visits, shall be conducted in the City Hall or in such other public place as may be selected by the board.

11.03.28 Meeting minutes

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each voting member on each question, or, if absent or failing to vote, indicating such fact.¹⁷ The board may amend previously adopted minutes provided such revision is based on substantive evidence.

11.03.29 Schedule of meetings

Meetings shall be held at the call of the chairperson of the Zoning Board of Appeals and at such other times as the Zoning Board of Appeals may determine.

11.03.30 Voting and quorum

(a) **Requirements for quorum.** A quorum shall consist of 3 voting members.

(b) **Requirements for voting.** A decision of the Zoning Board of Appeals shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.¹⁸

(c) **Disqualification or voluntary abstention.** A member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19, Wis. Stats.; (4) the member would violate the city's code of ethics set forth in Chapter 26 of the municipal code; (5) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (6) another law precludes participation.

(d) **Voting by alternates.** The first alternate may vote only when one of the regular members of the board is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.¹⁹

¹⁵ Commentary: See s. 2-4-4 of the municipal code

¹⁶ Commentary: See s. 62.23(7)(e)(3), Wis. Stats.

¹⁷ Commentary: See s. 62.23(7)(e)(3), Wis. Stats.

¹⁸ Commentary: See s. 62.23(7)(e)(3m), Wis. Stats.

¹⁹ Commentary: See s. 62.23(7)(e)(2), Wis. Stats.

11.03.31 Offices

The Common Council shall provide suitable meeting space for meetings of the Zoning Board of Appeals.

11.03.32 Appropriations

The Common Council shall appropriate funds to carry out duties of the Zoning Board of Appeals. The board shall have the authority to expend such funds consistent with procedures established by the Common Council.

11.03.33 Compensation of members

The regular members and alternates of the Zoning Board of Appeals may be compensated as determined by the Common Council.

11.03.34 Official oath

Members of the Zoning Board of Appeals shall take the official oath as required by s. 19.01, Wis. Stats. The City Clerk shall keep a copy of such oaths.

11.03.35 Legal counsel

The City Attorney shall not represent or advise the Zoning Board of Appeals. The Common Council may appropriate funds to provide counsel to the Zoning Board of Appeals as needed.

11.03.36 to 11.03.50 Reserved

**DIVISION 3
GROUNDWATER TECHNICAL REVIEW COMMITTEE**

Sections

11.03.51	Establishment
11.03.52	Membership
11.03.53	Purpose

11.03.51 Establishment

A Groundwater Technical Review Committee is established to undertake the responsibilities as defined in this chapter and state law.

11.03.52 Membership

The Groundwater Technical Review Committee shall consist of:

- (1) the Community Development Director,
- (2) the city director of public works,
- (3) the superintendent/manager of public utilities,
- (4) the city engineer,
- (5) the council representative of the city's Planning Commission,
- (6) the chairperson of the Water Works and Lighting Commission, and
- (7) one member appointed by the Mayor and confirmed by the Common Council,.

11.03.53 Purpose

The purpose of the Groundwater Technical Review Committee is to provide objective and scientific technical review of those land uses listed as conditional uses in Appendix A and make recommendations to the Planning

Commission to grant or deny conditional use permits based upon the facts discovered in that review, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice and educate the public on matters concerning groundwater.

11.03.54 to 11.03.60 Reserved

**DIVISION 4
ZONING ADMINISTRATOR**

Sections

11.03.61	Establishment	11.03.63	Authority
11.03.62	Appointment	11.03.64	Conflict of interest

11.03.61 Establishment

The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and by state law.

11.03.62 Appointment

The Mayor shall appoint, subject to confirmation by the Common Council, a zoning administrator. The Mayor shall supervise the activities of the zoning administrator.

11.03.63 Authority

(a) **General.** The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

- (1) meet with applicants to advise them of the requirements of this chapter;
- (2) issue administrative permits;
- (3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
- (4) render determinations of navigability as provided for in Article 5;
- (5) determine the elevation of ordinary high-water marks;
- (6) keep a written record of permits issued, inspections, work approved, enforcement activities, and other similar official actions;
- (7) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
- (8) work with the City Clerk in the preparation of meeting agendas for the Planning Commission and Zoning Board of Appeals and submit them to the appropriate chairperson for review and approval;
- (9) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes contained in this chapter;
- (10) recommend amendments to this chapter and to other chapters of the municipal code of the City of Wisconsin Rapids relating to land use and development;
- (11) assist the building inspector and city attorney with enforcement proceedings as may be requested; and
- (12) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the municipal code of the City of Wisconsin Rapids as may be appropriate.

(b) **Floodplain overlay district.** In the administration of floodplain zoning, the zoning administrator shall have the authority to:

- (1) issue floodplain permits;

- (2) inspect and assess all structures in the floodplain overlay district that have been damaged to determine if the damage can be defined as "substantial damage" herein defined;
- (3) maintain a list of nonconforming uses and structures as more fully described in s. 11.09.144;
- (4) submit an annual summary to the regional office of the Wisconsin Department of Natural Resources describing actions taken in the administration of the floodplain overlay district; and
- (5) submit copies of amendments and biennial reports to the regional office of the Federal Emergency Management Agency.

11.03.64 Conflict of interest

The zoning administrator and/or authorized designee of the zoning administrator shall not perform work on a proposed or approved development project in which he or she has a direct financial interest in the outcome of the matter at issue or otherwise has a conflict of interest.

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ARTICLE 4 GENERAL PROCEDURAL REQUIREMENTS

Divisions

1. Generally
2. Notice requirements
3. Public hearings
4. Site visits
5. Financial guarantees

DIVISION 1 GENERALLY

Sections

11.04.01	Legislative findings	11.04.11	Effect of an outstanding obligation
11.04.02	Purpose	11.04.12	Application review schedule
11.04.03	Nature of staff comments	11.04.13	Application forms
11.04.04	Authority to file an application	11.04.14	Application fees and other charges
11.04.05	Non-confidentiality of submitted information	11.04.15	Charge back of professional service fees
11.04.06	Burden of proof	11.04.16	Other required approvals
11.04.07	Concurrent review	11.04.17	Building permit
11.04.08	Withdrawal of application	11.04.18	Appeals
11.04.09	Permission to enter subject property	11.04.19	Revocation or modification of a prior approval
11.04.10	Effect of an outstanding violation	11.04.20	Compliance with private agreements

11.04.01 Legislative findings

The Common Council makes the following legislative findings:

- (1) Development review processes should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.
- (2) The general public, property owners in the area, and affected agencies have a right to know about proposed development projects and have meaningful participation in the review process to the extent allowed or required by this chapter.
- (3) Enforcing the rules and regulations contained in this chapter is an important function of government.

11.04.02 Purpose

The development review requirements and procedures in this chapter are intended to:

- (1) provide efficient and timely review of applications and ensure fairness and due process,
- (2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and
- (3) ensure complete and timely compliance.

11.04.03 Nature of staff comments

Statements and recommendations that are made by the zoning administrator, city staff and officials, and other representatives prior to or during the application review process shall not be binding on the decision-making body responsible for making the final decision.

11.04.04 Authority to file an application

Unless otherwise specified in this chapter, the owner of the property or a person having the power of attorney for the property owner shall sign the application submitted for review. A person signing an application under the authority of a power of attorney shall include a copy of the power of attorney with the application.

11.04.05 Non-confidentiality of submitted information

All written information that an applicant submits to the zoning administrator during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to disclosure under state and local law.

11.04.06 Burden of proof

(a) **During application review process.** During the application review process, the applicant has the burden of proof to show that the application should be approved based on the decision criteria relating to that application.

(b) **During appeal of an administrative decision.** During an administrative appeal proceeding, the petitioner has the burden of proof to show that such decision is not consistent with this chapter.

(c) **During enforcement proceedings.** During an enforcement proceeding, the zoning administrator or administrative unit taking enforcement action has the burden of proof to show that the action or development is in violation of this chapter.

11.04.07 Concurrent review

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals shall be issued in the requisite order.

11.04.08 Withdrawal of application

(a) **Timing of withdrawal.** An applicant may withdraw an application anytime after submittal, but prior to a final decision.

(b) **Effect of withdrawal.** A request to withdraw an application terminates the review process and no decision shall be rendered.

(c) **Retention of application materials.** A withdrawn application and related review documents shall be kept as a permanent public record.

11.04.09 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes city officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

11.04.10 Effect of an outstanding violation

If the zoning administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind shall be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

11.04.11 Effect of an outstanding obligation

No permit or approval of any kind shall be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, special charges, or other required payments are delinquent and unpaid.

11.04.12 Application review schedule

(a) **Authority.** The zoning administrator shall from time to time prepare a schedule establishing deadlines for submitting the various types of applications.

(b) **Publication of schedule.** The zoning administrator shall make the current review schedule available to the public and may post it on the city's website.

11.04.13 Application forms

The zoning administrator shall prepare application forms and may amend them from time to time.

11.04.14 Application fees and other charges

(a) **Assessment of fees.** From time to time, the Common Council may by resolution establish application fees and other charges it deems necessary in the administration of this chapter consistent with s. 66.0628, Wis. Stats.

(b) **Timing for payment.** Application fees shall be paid at the time the application is submitted for review.

(c) **Doubling of application fee.** If an activity which requires prior authorization under this chapter is started before the authorization is granted, the application fee is automatically doubled unless the Common Council specifically establishes a different fee by resolution. Payment of such fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(d) **Refunds.** Application fees are nonrefundable, except when the application and fee were accepted by the zoning administrator or city staff in error.

11.04.15 Charge back of professional service fees

(a) **Generally.** When specifically authorized by this chapter and pursuant to s. 66.0628, Wis. Stats., an applicant shall be responsible for paying the professional service fees of individuals or private firms the zoning administrator elects to hire to assist in the review of a submitted application. Such fees may cover time, materials, and other related expenses of attorneys, planners, engineers, and other specialists, and their support staff. Payment of fees is required whether the application is approved or not.

(b) **Billing procedure.** The City Clerk shall prepare an itemized statement of the professional service fees to be charged and provide a copy to the applicant. Such statement shall be in writing and shall contain, at a minimum, the following information:

- (1) a statement that the applicant has a specified period of time, not less than 30 days, to pay;
- (2) a statement that the applicant may appeal one or more of the itemized charges within 15 days of the date of the statement to the Common Council; and
- (3) a statement that any unpaid charge will be assessed as a delinquent charge against the subject property.

(c) **Appeal of charges.** To appeal one or more charges, the applicant shall submit a written appeal to the City Clerk within the appeal period stated on the statement. The Common Council shall consider the matter at its next regular meeting, provided the date of the meeting is 10 days or more from the date the appeal is received. The Common Council shall have the power to approve the charges as assessed or reduce the amount of charges in whole or in part with cause.

(d) **Nonpayment.** If the applicant does not appeal the charges within the time period specified in the statement, the City Treasurer shall automatically charge any unpaid amount as a delinquent tax against the property as provided by state law. In the event the applicant submits an appeal as provided in this section, no charges shall be placed on the tax roll unless and until such time the Common Council approves the charges against the tax roll in whole or in part. In the event the statement provided to the applicant or the time given for the applicant to pay or following a hearing if the Common Council approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

11.04.16 Other required approvals

It is the responsibility of those undertaking development projects within the city to obtain all applicable permits and other approvals as may be required by the City of Wisconsin Rapids, Wood County, and federal and state authorities as may be required.

11.04.17 Building permit

A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

11.04.18 Appeals

If a development project is approved under this chapter, the applicant may, upon receipt of the decision notice and satisfaction of all precedent conditions of approval, commence the work as authorized under the approval with the understanding that an aggrieved person may file an appeal with the appropriate review body. Prior to the end of the appeal period, all such work proceeds at the risk of the applicant. Similarly, any work that is done while an appeal is pending is done at the risk of the applicant.

11.04.19 Revocation or modification of a prior approval

The reviewing authority may revoke or modify an approval if it determines that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered their decision to grant approval or the terms of the approval which were or were not imposed, including conditions of approval.

11.04.20 Compliance with private agreements

If a property owner submits an application to develop a property and the City approves the same, the property owner is ultimately responsible for compliance with any and all private agreements (e.g., restrictive covenants) relating to the subject property.

11.04.21 to 11.04.30 Reserved

DIVISION 2 NOTICE REQUIREMENTS

Sections

11.04.31	Generally	11.04.36	Property owner notice
11.04.32	When notice is required	11.04.37	Distribution list notice
11.04.33	Content of required notice	11.04.38	Meeting agenda
11.04.34	Cost to provide notice	11.04.39	Affidavit of mailing
11.04.35	Public notice		

11.04.31 Generally

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division outlines when notice is to be given and the nature of the notice when it is required.

11.04.32 When notice is required

Notice shall be provided as shown in Exhibit 4-1.

Exhibit 4-1. Notice

Division in Article 5	Type of Action	Public Notice [1]		Property Owner Notice [2]	Distribution List Notice [3]	Meeting Agenda [4]
		Class 1	Class 2			
1.	Code amendment – map amendment – landowner initiated	-	X [5]	X	X	X
1.	Code amendment – map amendment – city initiated	-	X [5]	-	X	X
1.	Code amendment – text amendment	-	X [5]	-	X	X
2.	Planned unit development	-	X	X	-	X
3.	Conditional use	-	X	X	-	X
4.	Wireless telecommunication facility	-	X	X	-	X
5.	Site plan and plan of operation	-	-	-	-	X
6.	Architectural review	-	-	-	-	X
7.	Special exception	-	-	-	-	X
8.	Minor home occupation [6]	-	-	-	-	-
9.	Zoning permit [6]	-	-	-	-	-
10.	Reserved					
11.	Certificate of zoning compliance [6]	-	-	-	-	-
12.	Floodplain permit [6]	-	-	-	-	-
13.	Termination of approval – voluntary	-	-	-	-	X
13.	Termination of approval – involuntary	-	X	-	-	X
14.	Registration of a nonconforming use	-	-	-	-	X
15.	Conversion of a nonconforming use	-	X	X	-	X
16.	Expansion of a nonconforming building	-	-	-	-	X
17.	Code interpretation [6]	-	-	-	-	-
17.	Code interpretation on appeal to Planning Commission	-	-	-	-	X
18.	Administrative appeal	-	X	-	-	X
19.	Variance	-	X	X	-	X

Key: "X" means that the notice is required
 "-" means that the notice is not required

Notes:

1. See s. 11.04.35 for more details
2. See s. 11.04.36 for more details
3. See s. 11.04.37 for more details
4. See s. 11.04.38 for more details
5. If the proposed amendment would have the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the City Clerk.
6. This is an administrative decision; no public notice is required.

11.04.33 Content of required notice

Notices shall include the information listed in Exhibit 4-2.

Exhibit 4-2. Content of notice

	Public Notice	Property Owner Notice	Distribution List Notice
Applicant name	X	X	X
Subject property address or other description by which the public can locate the subject property	X	X	X
Nature of the application	X	X	X
A description of the proposed project	X	X	X
Name of body or official who will consider the application	X	X	X
Date, time, and location of the public hearing	X	X	X
Location where the public can view the application	X	X	X
The criteria, if any, that will be used to evaluate the proposal	-	X	-
General location map	-	X	-

Key: An "X" means that the indicated information is required; a dash "-" means that the indicated information is not required

11.04.34 Cost to provide notice

The city shall pay the costs related to the provision of notice required under this division, unless otherwise specified by the Common Council.

11.04.35 Public notice

When required, the official responsible for processing the application shall place public notice in the official newspaper consistent with the following provisions:

- (1) **Time requirements.** A class 1 notice shall be published one time at least 7 days before the meeting or hearing. A class 2 notice shall be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.²⁰
- (2) **Content.** The notice shall include the information listed in Exhibit 4-2 or as required by state law.

11.04.36 Property owner notice

(a) **Generally.** When required, the zoning administrator shall mail a notice to property owners within 300 feet of the subject property involved in the application consistent with the following provisions:

- (1) **Time requirements.** The notice shall be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.
- (2) **Content.** The notice shall include the information listed in Exhibit 4-2 or as required by state law.

(b) **Source of names and addresses.** The names and addresses of property owners shall be deemed to be those listed on the tax records maintained by Wood County.

(c) **Failure to notify owner.** The failure of a person to receive notice as described in this section shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

(d) **Affidavit of mailing.** The person sending the notices shall prepare an affidavit of mailing to certify that notice was provided as described in this section.

11.04.37 Distribution list notice ²¹

(a) **Establishment of distribution list.** The City Clerk shall maintain a list of persons who submit a written request to receive notice of any proposed regulation or amendment thereof that may affect the allowable use of the person's property.

²⁰ Commentary: See ss. 985.01(1m) and 985.07, Wis. Stats.

²¹ Commentary: See s. 62.23(7)(d)(4), Wis. Stats.

(b) **When notice is required.** The body conducting the public hearing shall send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.

(c) **Method of distribution of notices.** The notice shall be by mail or in any reasonable form that is agreed to by the person and the City Clerk.

(d) **Establishment of charges.** The Common Council may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of such fee shall not exceed the approximate cost of providing the notice to the person.

(e) **Effect of failure to send notice.** An ordinance or amendment shall take effect if the body conducting the meeting fails to send the notice as required by this section.

(f) **Affidavit of mailing.** The person sending the notices shall prepare an affidavit of mailing to certify that notice was provided as described in this section.

11.04.38 Meeting agenda notice

When required, the body responsible for acting on the application shall place the item on its meeting agenda.

11.04.39 Affidavit of mailing

An affidavit of mailing provides documentary evidence that a mailing as required in this chapter was mailed. An affidavit of mailing shall be kept as a public record.

11.04.40 to 11.04.50 Reserved

DIVISION 3 PUBLIC HEARINGS

Sections

11.04.51	Legislative findings	11.04.54	Continuances
11.04.52	General requirements	11.04.55	Public comment
11.04.53	General procedure		

11.04.51 Legislative findings

The Common Council makes the following legislative findings relating to public hearings:

- (1) Public hearings should be conducted in an orderly, timely, and efficient manner.
- (2) Public input is important and should be encouraged.

11.04.52 General requirements

(a) **Meetings to be public.** All public hearings shall be conducted in the city hall or in such other public place as may be selected by the body conducting the hearing.

(b) **Notice of meetings.** Notice of public hearings shall be given as provided for in Division 2 of this article.

11.04.53 General procedure

The presiding officer conducting the public hearing may follow the procedure listed in this section as a general guideline. For matters of little complexity or controversy, the presiding officer may adjust the procedures as appropriate.

- (1) Announce the purpose and subject of the public hearing.
- (2) Determine whether public notice as required by this chapter has been provided. If notice has not been provided, the hearing shall be postponed until such time as proper notice has been provided.

- (3) Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do.
- (4) Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) shall determine by vote whether a reasonable person may conclude that the member has a conflict of interest and should be removed from the pending decision.
- (5) Ask the applicant to describe the proposal.
- (6) Ask the staff to present a staff report, if required.
- (7) Allow members of the body conducting the public hearing to direct questions to the applicant and staff, if present.
- (8) Ask for statements from the public.
- (9) Read aloud written comments which were submitted when the individual submitting the comments is not in attendance.
- (10) Call for questions of the members of the body conducting the public hearing during which time they may ask questions of a member of the public, the applicant, and the staff, if present.
- (11) Ask the applicant if he or she wishes to (1) respond to any comment made by an individual during the proceeding, (2) submit additional information, (3) amend the application, or (4) request a continuance.
- (12) Announce that the body shall not accept any additional comment from the applicant or any member of the public once the public hearing is closed.
- (13) Ask for a motion and second to close the public hearing.

11.04.54 Continuances

- (a) **Prior to start of public hearing.** In the event the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.
- (b) **During a public hearing.** Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such request. If the applicant does not grant a continuance, the body shall act on the information at its disposal.
- (c) **Effect.** A continuance stops the time clock, if any, for making a decision.
- (d) **Notice requirements.** A public hearing may be continued to a later date without again providing public notice, provided the location, date, and time for the continued hearing are announced at the time of the continuance.

11.04.55 Public comment

- (a) **Time limitations on public comment.** The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner. Under no circumstance shall such time limit be less than 3 minutes.
- (b) **Written comment.** Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents shall be retained and made part of the public record for the proceeding.

11.04.56 to 11.04.70 Reserved

DIVISION 4 SITE VISITS

Sections

11.04.71	Authorization	11.04.74	Site visit during a public hearing
11.04.72	Open meeting requirements	11.04.75	Site visit not part of a public hearing
11.04.73	General rules of conduct		

11.04.71 Authorization

The Zoning Board of Appeals and the Planning Commission may conduct a site visit to inspect a property as it relates to a pending development application.

11.04.72 Open meeting requirements

A site visit is a public meeting and must comply with Wisconsin's open meeting requirements and the requirements of the Americans with Disabilities Act (ADA).

11.04.73 Rules of conduct

(a) **Participation.** To ensure everyone hears what is being said during a site visit, participants should stay together as they tour the subject property.

(b) **Comments.** No recommendations can be offered, and no decisions can be made during a site visit.

(c) **Quorum required.** A site visit must be attended by a quorum of the review authority.

(d) **Overview of site visit.** When the review authority reconvenes their meeting or public hearing, the presiding officer should initiate a discussion of the members to document the major points that were discussed and/or observations made on the site visit.

11.04.74 Site visit during a public hearing

If a site visit is conducted as part of a public hearing, discussion is strictly limited to points of clarification, such as (1) the location of features (e.g., property boundary lines), (2) placement of proposed improvements, (3) features to be retained or removed as part of the proposed project, and the like. The merits of the proposal must not be discussed during the site visit.

11.04.75 Site visit not part of a public hearing

If a site visit is not part of a public hearing, the petitioner and Planning Commission members may engage in a general discussion related to the pending application. Such discussion should however be limited to what is observed during the tour as it relates to the proposed project.

11.04.76 to 11.04.90 Reserved

DIVISION 5 FINANCIAL GUARANTEES

Sections

11.04.91	Performance bond	11.04.93	Cash deposit
11.04.92	Letter of credit	11.04.94	Insufficient funds

11.04.91 Performance bond

For the purpose of this chapter, a performance bond is not an acceptable financial guarantee.

11.04.92 Letter of credit

(a) **Form.** The letter of credit shall be irrevocable and shall be in a form acceptable to the city attorney.

(b) **Amount.** The amount of the letter of credit shall conform to the amount established in this chapter. If an amount is not specified in this chapter, the Common Council shall establish the amount.

(c) **Acceptance required.** A letter of credit is not accepted by the City until formal action by the Common Council board upon the recommendation of the city attorney.

(d) **Minimum requirements for issuer.** The bank, savings and loan, or other financial institution issuing the letter of credit must be authorized to do business in the state of Wisconsin and have a financial standing acceptable to the city attorney.

(e) **Obligation of private party.** The provision of a letter of credit shall not remove the burden of performing the work the letter of credit is intended to guarantee.

11.04.93 Cash deposit

(a) **Generally.** If a cash deposit is provided under this chapter, the City is not obligated to pay interest thereon. Any such cash deposit shall remain in the custody of the City Treasurer.

(b) **Amount.** The amount of the cash deposit shall conform to the amount established in this chapter. If an amount is not specified in this chapter, the Common Council shall establish the amount.

(c) **Acceptance required.** A cash bond is not accepted by the City until formal action by the Common Council.

(d) **Obligation of private party.** The provision of a cash deposit shall not remove the burden of performing the work the cash deposit is intended to guarantee.

(e) **Administrative fee.** When a cash deposit is offered as a financial guarantee, the City may charge a fee for the additional work required of the City Clerk and City Treasurer to monitor and handle the cash deposit. The amount of such fee shall be set by the Common Council from time-to-time by resolution.

11.04.94 Insufficient funds

If the City exercises its right to use a financial guarantee and the cost of performing the authorized work exceeds the amount of the financial guarantee, the City shall send a bill to the property owner for the outstanding balance. If the property owner does not pay such costs within 30 days after billing, such costs shall constitute a special charge under s. 66.0627, Wis. Stats., or as otherwise authorized by state law.

ARTICLE 5 SPECIFIC PROCEDURAL REQUIREMENTS

Divisions

1. Code amendment
2. Planned development district
3. Conditional use
4. Wireless telecommunication facility
5. Site plan and plan of operation
6. Architectural review
7. Special exception
8. Home occupation
9. Zoning permit
10. Reserved
11. Certificate of zoning compliance
12. Floodplain permit
13. Termination of approval
14. Registration of a nonconforming use
15. Conversion of a nonconforming use
16. Expansion of a nonconforming building
17. Code interpretation
18. Administrative appeal
19. Variance

DIVISION 1 CODE AMENDMENT

Sections

11.05.01	Generally	11.05.06	Imposition of conditions
11.05.02	Initiation	11.05.07	Application content
11.05.03	Review procedure	11.05.08	Staff report content
11.05.04	Effective date of adopted ordinance	11.05.09	Appeal
11.05.05	Basis of decision		

11.05.01 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map. This division describes the procedures and requirements to amend this chapter and the zoning map.

11.05.02 Initiation

Any of the following may submit an application to amend the text of this chapter or the zoning map:

- (1) a property owner in the area to be affected by the proposed amendment,
- (2) the zoning administrator,
- (3) the Planning Commission,
- (4) the Zoning Board of Appeals,

- (5) the Mayor, and
- (6) the Common Council.

11.05.03 Review procedure¹

The general steps outlined below shall be used to amend the text of this chapter and the zoning map.

- (1) **Submittal of application materials.** The applicant submits a complete application to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Distribution to Department of Natural Resources.** If the proposed amendment would revise floodplain or shoreland-wetland regulations in this chapter, the zoning administrator sends a copy of the application to the regional office of the Wisconsin Department of Natural Resources within 5 work days of receipt.
- (3) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (4) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (5) **Special notice to airport.** If the application is for any change in an airport affected area, as defined in s. 62.23(6)(am)1.b., Wis. Stats., the zoning administrator mails a copy of the notice by regular mail to the owner or operator of the airport bordered by the airport affected area.
- (6) **Special notice to specified municipalities.** At least 10 calendar days prior to the date of the public hearing, the zoning administrator gives notice of the proposed amendment to the clerk of any municipality whose boundary are within 1,000 feet of any lands included in the proposed amendment.
- (7) **Special notice to Department of Natural Resources.** If the proposed amendment would revise the floodplain regulations in this chapter, the zoning administrator sends a copy of the public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.²
- (8) **General notice by type of application.** If a proposed amendment would revise the text of this chapter, the zoning administrator provides for class 2 public notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 4. If a property owner initiates a proposed amendment that would revise the zoning map, the zoning administrator provides for class 2 public notice, property owner notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 4. If the City initiates a proposed amendment that would revise the zoning map, the zoning administrator provides for class 2 public notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 4.
- (9) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and Common Council, the applicant, and any other interested person upon request.
- (10) **Public hearing.** Allowing for proper notice, the Planning Commission conducts a public hearing to review the application consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned, the Planning Commission may direct the zoning administrator, the city engineer, and/or city attorney to conduct additional research and to prepare such documents it deems necessary, including a preliminary decision document.
- (11) **Recommendation.** After considering the public comments received at the public hearing and the staff report, the Planning Commission, no more than 40 calendar days after the public hearing, makes a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment.

¹ Commentary: See s. 62.23(7)(d), Wis. Stats.

² Commentary: See s NR 116.20(2)(c) and ch. NR 117, Wis. Admin. Code

- (12) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
- (13) **Common Council meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
- (14) **Decision.** The Common Council after considering the Planning Commission's recommendation makes a decision based on the decision criteria contained in this division to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment.
- (15) **Required vote with downzoning.** An amendment must be approved by at least two-thirds of the members-elect if the amendment would decrease the development density of the land to be less dense than was allowed under its previous usage or that would reduce the number of permitted uses of the land to fewer uses than were allowed under its previous usage. If a person requests or agrees to such downzoning, the ordinance may be enacted by a simple majority of the members-elect.³
- (16) **Required vote with a protest by qualified property owners.** Prior to January 1, 2019, an amendment to the zoning map may not become effective except upon a favorable vote of three-quarters of the Common Council members voting on the proposed change when (i) those owning 20 percent or more of the land area within the proposed map amendment file a written protest, (ii) those owning 20 percent or more of the land area within 100 feet of the proposed map amendment file a written protest, or (iii) those owning 20 percent or more of the land directly opposite of the proposed map amendment but within 100 feet of the street frontage file a written protest.⁴
- (17) **Required vote with protest of airport.** If a proposed amendment would make any change in an airport affected area, as defined under s. 62.23(6)(am)1.b., Wis. Stats., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment, no ordinance which makes such change may be approved except by the affirmative vote of two-thirds of the members of the Common Council present and voting.⁵
- (18) **Preparation of decision document.** If the Common Council approves the proposed amendment, the zoning administrator prepares a final ordinance.
- (19) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (20) **Notification to Department of Natural Resources.** If the proposed amendment is approved and modifies the floodplain regulations in this chapter, the zoning administrator mails a copy of the ordinance to the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.
- (21) **Preparation of new zoning map.** If the proposed amendment is approved and modifies the zoning map, the zoning administrator shall cause a new zoning map to be prepared consistent with Article 6.

11.05.04 Effective date of adopted ordinance

- (a) **Generally.** An adopted ordinance shall take effect as prescribed in state law.
- (b) **Exceptions.** An amendment involving floodplain regulations shall not become effective until it is reviewed and approved by the regional office of the Wisconsin Department of Natural Resources. An amendment that modifies official floodplain zoning maps, floodway lines, or water surface profiles shall not become effective until it is reviewed and approved by the Federal Emergency Management Agency.

11.05.05 Basis of decision

- (a) **Text amendment.** If a proposed amendment would revise the text of this chapter, the Planning Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the City's comprehensive plan;

³ Commentary: See s. 66.10015(3), Wis. Stats.

⁴ Commentary: See s. 62.23(7)(d)(2m)(a), Wis. Stats.

⁵ Commentary: See s. 62.23(7)(d)(2m)(b), Wis. Stats.

- (2) whether the amendment is consistent with other planning documents adopted by the Common Council;
- (3) whether this chapter with the amendment is internally consistent;
- (4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare;
- (5) the extent to which the text amendment will likely create new nonconforming uses and structures;
- (6) if the proposed amendment relates to floodplain regulations, whether the chapter as amended complies with ss. 62.23 and 87.30, Wis. Stats., ch. NR 116, Wis. Admin. Code, and other state laws;
- (7) if the proposed amendment relates to shoreland-wetland regulations, whether the chapter as amended complies with s. 62.231, Wis. Stats.; ch. NR 117, Wis. Admin. Code; and other state laws;
- (8) whether the proposed amendment is needed to comply with a new or revised state or federal law; and
- (9) any other factor not specifically or generally listed, but deemed appropriate by the Planning Commission or Common Council given the particular circumstances.

(b) **Zoning map amendment.** If a proposed amendment would revise the zoning map, the Planning Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the City's comprehensive plan, including future land use maps or similar maps;
- (2) whether the amendment is consistent with other planning documents adopted by the Common Council;
- (3) the extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures; and
- (4) any other factor not specifically or generally listed, but deemed appropriate by the Planning Commission or Common Council given the particular circumstances.

(c) **Special review criteria for amendments to the shoreland-wetland overlay district boundary.** To ensure this chapter remains consistent with the shoreland protection objectives of s. 144.26, Wis. Stats., the Common Council shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against erosion;
- (5) fish spawning, breeding, nursery, or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

11.05.06 Imposition of conditions

(a) **Generally.** The Planning Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval.

(b) **Mandatory conditions of approval relating to certain existing land uses.** If a proposed amendment would revise the zoning map and is initiated by a property owner and the subject property hosts a land use that at the time of application is not permitted in the proposed zoning district, such use shall be removed as a condition of approval. If the subject property hosts a land use that at the time of application is classified as a conditional use in the proposed zoning district, the property owner shall as a condition of approval submit a

conditional use application and obtain approval for that land use or, if conditional use approval is not granted, remove such use.

11.05.07 Application content

(a) **Landowner-initiated map amendment.** An application for a landowner-initiated zoning map amendment shall include the following:

- (1) an application form as may be used by the City,
- (2) a project map prepared at an appropriate scale depicting the information listed in Appendix F, and
- (3) other supporting information the applicant deems appropriate.

(b) **Other amendments.** For all other types of amendments, the application shall include the following:

- (1) an application form as may be used by the City, and
- (2) other supporting information the applicant deems appropriate.

11.05.08 Staff report content

The staff report should contain the following:

- (1) preliminary findings for the decision criteria listed in this division;
- (2) proposed revisions, if appropriate; and
- (3) other information deemed necessary.

11.05.09 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.10 to 11.05.20 Reserved

DIVISION 2 PLANNED DEVELOPMENT DISTRICT

Sections

11.05.21	Generally	11.05.31	Application form and content
11.05.22	Initiation	11.05.32	Staff report content
11.05.23	Where allowed	11.05.33	Effect of approval
11.05.24	Ownership	11.05.34	Effect of approved planned development district on land division standards
11.05.25	Minimum size	11.05.35	Review of actual development within an approved planned development district
11.05.26	Development agreement	11.05.36	Amendment of an approved planned development district
11.05.27	Allowable uses	11.05.37	Expiration of an approval
11.05.28	Review procedure	11.05.38	Appeal
11.05.29	Basis of decision		
11.05.30	Imposition of conditions		

11.05.21 Generally

A planned development district allows for more flexibility in the development of land while ensuring substantial compliance with the intent of this chapter and the City's comprehensive plan.

11.05.22 Initiation

The owner of the subject property may submit an application for the establishment of a planned development district.

11.05.23 Where allowed

A planned development district may be established in those area listed in Exhibit 6-1.

11.05.24 Ownership

At the time of establishment, all land within a planned development district shall be under single ownership or control.

11.05.25 Minimum size

To qualify for consideration as a planned development district, the area shall include at least 5 acres.

11.05.26 Development agreement

If a planned development district is established pursuant to this division, the City and developer may enter into a development agreement that specifies the duties and obligations of both parties with respect to the development project.

11.05.27 Allowable uses

Land uses allowed in the underlying zoning district(s) may be allowed in a planned development district as specified in a general development plan. When the underlying zoning district is a residential or commercial district, a combination of residential, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial district, a combination of commercial and industrial uses may be allowed. A planned development district with a mix of residential and industrial uses is prohibited.

11.05.28 Review procedure

Establishment of a planned development district involves a two-step process. The review of a proposed project begins with a general development plan. If the general development plan is approved (i.e., an ordinance is adopted), a precise implementation plan for all or a part of the project is reviewed. If the precise implementation plan is approved, the project is officially approved. The general steps outlined below shall be used in the review of an application for the establishment of a planned development district.

Step One – General Development Plan

- (1) **Pre-submittal meeting with zoning administrator.** The applicant or the applicant's agent meets with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
- (2) **Pre-application conference with Planning Commission.** The applicant meets with the Planning Commission for an informal discussion relating to the proposed project. At that meeting, the applicant shall provide the Planning Commission with materials that describe the proposed project in sufficient detail for a preliminary, non-binding review.
- (3) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (4) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process

the application until the deficiencies are remedied. The incomplete application is retained as a public record.

- (5) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (6) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator provides for class 2 public notice, property owner notice, and meeting agenda notice.
- (7) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and Common Council, the applicant, and any other interested person upon request.
- (8) **Public hearing.** Allowing for proper notice, the Planning Commission conducts a public hearing to review the application consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned, the Planning Commission may direct the zoning administrator to conduct additional research related to the proposed district.
- (9) **Staff follow-up.** After the close of the public hearing, the Planning Commission may direct the zoning administrator, city engineer, and/or the city attorney to prepare a preliminary decision document.
- (10) **Recommendation.** No more than 60 calendar days after the public hearing, the Planning Commission makes a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.
- (11) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
- (12) **Common Council meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
- (13) **Decision.** The Common Council after considering the Planning Commission's recommendation makes a decision based on the decision criteria contained in this division to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.
- (14) **Preparation of decision document.** If the general development plan is approved, the zoning administrator prepares a final ordinance.
- (15) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (16) **Acceptance by property owner.** If the general development plan is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 2 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all of the property owner signatures have been obtained and the original signature copy is returned to the zoning administrator.

Step Two – Precise implementation plan

- (1) **Submittal of precise implementation plan.** The applicant submits a precise implementation plan and other required materials to the zoning administrator along with the application fee as may be established by the Common Council. At the discretion of the applicant, such materials may be submitted concurrently with the review of the general development plan.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the

application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.

- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (4) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator shall provide for a meeting agenda notice.
- (5) **Staff report preparation and distribution.** The zoning administrator prepares a staff report that evaluates whether the precise implementation plan is consistent with the approved general development plan and the suitability of the proposed plan given the additional information provided in the plan and supplemental materials. The zoning administrator provides a copy of it to each member of the Planning Commission and Common Council, the applicant, and any other interested person upon request.
- (6) **Meeting.** Allowing for proper notice, the Planning Commission reviews the precise implementation plan and the staff report.
- (7) **Determination of consistency.** The Planning Commission determines whether the precise implementation plan is generally consistent with the approved general development plan with respect to density/intensity and permissible land uses. If the Planning Commission determines that the precise implementation plan is not generally consistent, the Planning Commission shall render that decision in writing and take no further action on the precise implementation plan.
- (8) **Recommendation.** If the precise implementation plan is deemed to be consistent with the general development plan, the Planning Commission makes a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the precise implementation plan, (ii) approve the precise implementation plan with conditions, or (iii) deny the precise implementation plan.
- (9) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
- (10) **Common Council meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
- (11) **Decision.** The Common Council after considering the Planning Commission's recommendation makes a decision based on the decision criteria contained in this division to (i) approve the precise implementation plan, (ii) approve the precise implementation plan with conditions, or (iii) deny the precise implementation plan.
- (12) **Preparation of decision document.** Based on the action of the Common Council, the zoning administrator prepares a decision document consistent with this division.
- (13) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (14) **Acceptance by property owner.** If an approval includes one or more conditions of approval, the property owner must sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 2 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

11.05.29 Basis of decision

In the review of a general development plan and the precise implementation plan, the Planning Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;
- (2) whether development in the proposed project is consistent with the City's comprehensive plan;

- (3) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;
- (4) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;
- (5) the extent to which the natural features, open space, and/or farmland on the site are preserved;
- (6) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the City that may apply;
- (7) the effects of development in the proposed project on public services and facilities;
- (8) whether adequate water and sanitary sewer facilities can be provided;
- (9) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;
- (10) effects of the proposed use on surrounding properties, including existing and anticipated uses;
- (11) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts;
- (12) whether the plan for development is clearly superior to development that is permitted based on the design and development standards of the underlying zoning district; and
- (13) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

11.05.30 Imposition of conditions

(a) **Generally.** The Planning Commission may recommend and the Common Council may impose conditions as may be necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Planning Commission may recommend and the Common Council may require the provision of off-site exactions that may be necessary to approve the establishment of the planned development district project.

(b) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.⁶

11.05.31 Application form and content

(a) **General development plan.** The application submittal for a general development plan shall include the following:

- (1) an application form as may be used by the City;
- (2) a general development plan prepared at an appropriate scale depicting the information listed in Appendix F;
- (3) a preliminary draft of covenants if any are to be imposed; and
- (4) a development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

(b) **Precise implementation plan.** The application submittal for a precise implementation plan shall include the following:

- (1) an application form as may be used by the City;
- (2) a precise implementation plan prepared at an appropriate scale depicting the information listed in Appendix F;

⁶ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (3) a final draft of covenants if any are to be imposed;
- (4) homeowners association documents, if proposed or required;
- (5) a development agreement, if proposed or required; and
- (6) a development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

11.05.32 Staff report content

The staff report should contain the following:

- (1) preliminary findings for the decision criteria listed in this division;
- (2) a preliminary list of recommended conditions of approval; and
- (3) other information deemed necessary.

11.05.33 Effect of approval

If the Common Council approves a planned development district, the approval shall run with the land and is binding on all subsequent property owners.

11.05.34 Effect of approved planned development district on land division standards

Development in a planned development district is subject to the City's land division regulations to the extent applicable, except that the Planning Commission or Common Council may waive a development standard in the land division regulations as provided therein.

11.05.35 Review of actual development within an approved planned development district

If the Common Council approves a planned development district, proposed development in the district shall be reviewed consistent with the requirements of this article as may apply (e.g., building, site, and plan of operation).

11.05.36 Amendment of an approved planned development district

If the Common Council approves a planned development district, the Planning Commission and Common Council shall review all proposed changes to the project plan that was approved at the time of approval. If in the opinion of the Common Council, the proposed change constitutes a minor alteration, the Common Council may approve the requested change at a regular or special meeting of the Common Council. If the proposed change constitutes a major alteration, the review procedure in this division shall be followed.

11.05.37 Expiration of an approval

If any portion of a planned development district that can be developed remains substantially undeveloped 3 years after final approval, the Common Council may rescind the approval, in whole or in part, following a public hearing. Upon written petition, the Common Council may with good cause grant a one-time extension not to exceed 4 years. In the event the Common Council rescinds an approval, the Common Council shall at that time reclassify undeveloped lands in the district based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

11.05.38 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.39 to 11.05.50 Reserved

DIVISION 3 CONDITIONAL USE

Sections

11.05.51	Generally	11.05.58	Staff report content
11.05.52	Applicability	11.05.59	Content of decision document
11.05.53	Initiation	11.05.60	Effect of approval
11.05.54	Review procedure	11.05.61	Expiration of an approval
11.05.55	Basis of decision	11.05.62	Amendment of an approved conditional use
11.05.56	Imposition of conditions	11.05.63	Appeal
11.05.57	Application form and content		

11.05.51 Generally

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

11.05.52 Applicability

Those land uses designated as conditional uses in the land-use matrix (Appendix A) must comply with the requirements in this division.

11.05.53 Initiation

The owner of the subject property may submit an application for the establishment of a conditional use.

11.05.54 Review procedure

The general steps outlined below shall be used in the review of a conditional use.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
- (2) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (3) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (4) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Common Council and the Planning Commission consistent with its adopted calendar.
- (5) **Special notice to Department of Natural Resources.** If the application relates to the floodplain regulations in this chapter, the zoning administrator shall send a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.

- (6) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.
- (7) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and Common Council, the applicant, and any other interested person upon request.
- (8) **Public hearing.** Allowing for proper notice, the Planning Commission conducts a public hearing to review the application consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned, the Planning Commission may direct the zoning administrator, the city engineer, and/or city attorney to conduct additional research. In addition, the Planning Commission may direct the zoning administrator to prepare such documents it deems necessary, including a preliminary decision document.
- (9) **Staff follow-up.** After the close of the public hearing, the Planning Commission may direct the zoning administrator to prepare a preliminary decision document.
- (10) **Recommendation.** After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Planning Commission makes a recommendation based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.
- (11) **City Council meeting.** Allowing for proper notice, the City Council shall consider the application at a regular or special meeting.
- (12) **Decision.** After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Planning Commission's recommendation, the City Council makes a decision to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.
- (13) **Preparation of final decision document.** Based on the action of the Common Council, the zoning administrator prepares a final decision document consistent with this division.
- (14) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (15) **Notification to Department of Natural Resources.** If the application relates to the floodplain regulations in this chapter, the zoning administrator mails a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.
- (16) **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (17) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (18) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator records the decision document against the subject property in the office of the Wood County register of deeds.
- (19) **Administrative steps.** If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator adds the conditional use to that map.

11.05.55 Basis of decision

(a) **Generally.** When reviewing conditional uses other than nonconforming conditional uses, the review authority shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;

- (2) the presence of and compatibility with other uses on the subject property, if any;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

Any final decision must be based on substantial evidence.

(b) **Nonconforming conditional uses.** When reviewing nonconforming conditional uses, the review authority shall make the following determinations:

- (1) The nonconforming use will not be adverse to the public health, safety, or welfare.
- (2) The nonconforming use is in keeping with the spirit and intent of this chapter.
- (3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The review authority shall grant approval for a nonconforming conditional use only if an affirmative finding for all of the criteria listed in this subsection can be made based on substantial evidence.

11.05.56 Imposition of conditions

(a) **Generally.** In approving a conditional use, the review authority may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare and must be based on substantial evidence. Examples of such conditions are listed below.

Issue	Potential Condition
1. Hours of operation	Limit hours of operation to hours to be more compatible with surrounding uses.
2. Buffering	Require more of a buffer than what is otherwise required by this chapter. Buffering may include landscaping, walls or fences, berms, and other features to physically separate adjoining uses.
3. Maximum floor area	Establish a maximum floor area that may be less than what is otherwise allowed.
4. Maximum number of patrons	Limit the size of the use by establishing maximum patron loads, often by seats and/or tables
5. Uses within buildings	Limit commercial uses to the first floor of a multistory building.
6. Number and/or location of entrances	Design the site and building so that entrances are located in areas away from adjoining properties.
7. Outdoor activity	Restrict locations and/or times of outdoor activity.
8. Outdoor storage	Establish a maximum area for outdoor storage that may be less than what is otherwise allowed.
9. Take-out food service	Prohibit drive-up service windows and/or walk-up service windows in certain areas of the property (e.g., near a residential use). If these are allowed, limitations could be set.
10. Delivery services	Prohibit deliver services that entail frequent trips or establish upper limits on the activity.
11. Signage	Prohibit signage in areas of the property that may cause an impact on surrounding areas.

(b) **Limitation on imposing conditions.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Effect on contracts with another party.** The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.⁷

(d) **Special condition for business as property owner.** As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

11.05.57 Application form and content

The application submittal shall include an application form as may be used by the City and a project map prepared at an appropriate scale depicting the information listed in Appendix F.

11.05.58 Staff report content

The staff report should contain preliminary findings for the decision criteria listed in this division and other information deemed appropriate.

11.05.59 Content of decision document

(a) **Approval.** If the application for a conditional use is approved, the decision document should include the following:

- (1) a statement that the conditional use is approved;

⁷ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (2) a description of the conditional use;
- (3) a description of where the conditional use will occur on the property;
- (4) reasons for the decision based on the criteria listed in this division;
- (5) conditions of approval that must be satisfied prior to the establishment of the conditional use, if any;
- (6) conditions of approval that must be complied with during the life of the conditional use, if any;
- (7) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;
- (8) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (9) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (10) a statement indicating the nature of the approval (i.e., personal to the property owner or runs with the land);
- (11) other information the reviewing authority or zoning administrator deems appropriate;
- (12) the signature of the zoning administrator on behalf of the reviewing authority; and
- (13) the date of the decision.

(b) **Denial.** If the application for a conditional use is denied, the decision document should include the following:

- (1) a statement that the conditional use is denied,
- (2) a description of the project, including acreage and proposed use characteristics,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the reviewing authority or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the reviewing authority, and
- (8) the date of the decision.

11.05.60 Effect of approval

- (a) **Generally.** Unless otherwise specified in the conditional use order, approvals run with the land.

(b) **Temporary uses.** If a use is listed as a temporary use in Appendix A and is approved by the Planning Commission as a conditional use, the use may be re-established with the written approval of the zoning administrator if he or she determines that the use to be re-established is substantially the same as what was originally approved and that the approved use did not create any potentially adverse impacts on the public health, safety, or welfare.

11.05.61 Expiration of an approval

(a) **Non-establishment of use.** If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 13 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (i) the permit holder requests the extension prior to the expiration of the approval, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Cessation of use.** If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 13 of this article.

11.05.62 Amendment of an approved conditional use

Following approval of a conditional use, the Planning Commission shall review all proposed changes to the approval. If in the opinion of the Planning Commission, the proposed change constitutes a minor alteration, the Planning Commission may approve the requested change in writing at a regular or special meeting of the Planning Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

11.05.63 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.64 to 11.05.70 Reserved

DIVISION 4 WIRELESS TELECOMMUNICATION FACILITY

Sections

11.05.71	Review procedure	11.05.74	Expiration of an approval
11.05.72	Application form	11.05.75	Amendment of an approval
11.05.73	Imposition of conditions	11.05.76	Fees

11.05.71 Review procedure

(a) **Planning Commission review of new telecommunication tower and Class 1 collocation.** The general steps outlined below shall be used to review an application for a new telecommunication tower and a Class 1 collocation as designated in the land-use matrix (Appendix A).

- (1) **Submittal of application materials.** The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the application and determines whether the application is complete. If the application includes all of the required information, the application shall be found to be complete. The zoning administrator notifies the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their application as often as necessary until it is complete.
- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (4) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
- (5) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report and provides a copy of it to each member of the Planning Commission, the applicant, and any other interested person upon request.
- (6) **Public hearing.** Allowing for proper notice, the Planning Commission conducts a public hearing to review the application consistent with Division 2 of Article 4. Prior to the close of the public hearing, the applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4.
- (7) **Staff follow-up.** If the Planning Commission does not render a decision immediately following the public hearing, the Planning Commission may direct the zoning administrator to prepare a preliminary decision document.

- (8) **Decision.** After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Planning Commission, no more than 40 calendar days after the public hearing, makes a decision to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application.
- (9) **Preparation of final decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a final decision document.
- (10) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (11) **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Planning Commission may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision is null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (12) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (13) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator records the decision document against the subject property in the Wood County register of deeds office.

In the event an applicant believes the City has exceeded its authority as set forth in s. 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA s. 1455, the applicant shall notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(b) **Class 2 collocation.** The general steps outlined below shall be used to review an application for a Class 2 collocation which is allowed in all zoning districts.

- (1) **Submittal of application materials.** The applicant submits a completed application to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the application and determines whether the application is complete. If the application includes all of the required information, the application shall be found to be complete. The zoning administrator must notify the applicant in writing within 5 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their application as often as necessary until it is complete.
- (3) **Decision.** The zoning administrator makes a decision on the application within 45 days of the date the application is deemed complete, unless the time is extended by the applicant. The decision shall be stated in writing. If approval is not granted, the reasons therefor must be stated.
- (4) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

In the event an applicant believes the City has exceeded its authority as set forth in s. 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA s. 1455, the applicant shall notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter, to ensure that applicable laws are followed.

11.05.72 Application form

(a) **New telecommunication tower and Class 1 collocation.** An application form for a new telecommunication tower or a Class 1 collocation must include all of the following information as appropriate:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the proposed tower or affected tower.
- (3) The location of the proposed mobile service facility.

- (4) If an application is to substantially modify an existing telecommunication tower, a construction plan which describes the proposed modifications to the tower, and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
- (5) If an application is to construct a new telecommunication tower, a construction plan which describes the proposed tower and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
- (6) If an application is to construct a new telecommunication tower, an explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- (b) **Class 2 collocation.** An application form for a Class 2 collocation must include the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed tower or affected tower.
 - (3) The location of the proposed mobile service facility.

11.05.73 Imposition of conditions

- (a) **Generally.** The reviewing authority may impose one or more conditions of approval as may be necessary to grant approval. Such conditions may relate to any aspect of the use that impacts the public health, safety, or general welfare, subject to subsection (b) below.
- (b) **Limitations.** The reviewing authority may not impose any of the following as a condition of approval:
 - (1) A requirement relating to environmental testing, sampling, or monitoring.
 - (2) A requirement relating to radio frequency emissions.
 - (3) A requirement to pay a reoccurring fee.
 - (4) A requirement that the structure or mobile service facility owner must provide space on or near the structure for the use of or by the City at less than the market rate, or to provide the City other services via the structure or facilities at less than the market rate.
 - (5) Limit the duration of the approval.
 - (6) A requirement that the applicant must indemnify or insure the city in connection with the political subdivision's exercise of its authority to approve the application.
 - (7) A requirement that the applicant must give the city the right to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the city or an entity in which the City has a governance, competitive, economic, financial, or other interest.

11.05.74 Expiration of an approval

- (a) **Non-establishment of use.** If the zoning administrator determines that substantial work as authorized by the approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 13 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (1) the permit holder requests the extension prior to the expiration of the approval, (2) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (3) the project complies with this chapter in effect at the time the extension is granted.
- (b) **Cessation of use.** If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 13 of this article.

11.05.75 Amendment of an approval

Following approval, the Planning Commission shall review all proposed changes to the approval. If in the opinion of the Planning Commission, the proposed change constitutes a minor alteration, the Planning Commission may approve the requested change in writing at a regular or special meeting of the Planning Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

11.05.76 Fees

(a) **Professional service reimbursement.** Costs incurred by the City in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant as set forth in s. 11.04.15.

(b) **Limitation on fees.** The total of all fees, excluding professional service reimbursement, associated with the review of an application shall not exceed the limits established by s. 66.0404(4)(d), Wis. Stats.

11.05.77 to 11.05.90 Reserved

**DIVISION 5
SITE PLAN AND PLAN OF OPERATION**

Sections

11.05.91	Generally	11.05.98	Staff report content
11.05.92	Applicability	11.05.99	Content of decision document
11.05.93	Initiation	11.05.100	Effect of approval
11.05.94	Review procedure	11.05.101	Expiration of an approval
11.05.95	Basis of decision	11.05.102	Amendment of an approval
11.05.96	Imposition of conditions	11.05.103	Appeal
11.05.97	Application form and content		

11.05.91 Generally

(a) **Site plans.** The way in which a land use occupies a lot has a direct effect on the overall functionality of the site, the extent to which the land use can be expanded on the site in the future, effects of the land use on nearby properties, and impacts on existing and anticipated public and private infrastructure. This division describes the requirements and procedures for reviewing a site plan.

(b) **Plan of operations.** The way in which many land uses operate has a direct effect on the nature of the use and potential effects on nearby properties, including existing and anticipated land uses. This division describes the requirements and procedures for reviewing a plan of operation.

11.05.92 Applicability

Those land uses designated as requiring site plan review (SP) or plan of operation review (PO) in the land-use matrix (Appendix A) must comply with the requirements in this division.

11.05.93 Initiation

The owner of the subject property may submit an application for a site plan and plan of operation.

11.05.94 Review procedure

The general steps outlined below shall be used in the review of a site plan and plan of operation application.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (4) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator will also provide a copy to interested people upon request.
- (5) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (6) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (7) **Decision.** The Planning Commission makes a decision to (i) approve the site plan/plan of operation, (ii) approve the site plan/plan of operation with conditions, or (iii) deny the site plan/plan of operation. The Planning Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the initial meeting unless the applicant agrees to an extension of a specified duration.
- (8) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a decision document consistent with this division.
- (9) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (10) **Acceptance by property owner.** If the application is approved, the property owner and the operator, if different, must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner or operator, if different, may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (11) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.95 Basis of decision

- (a) **Site plan.** The review authority shall consider the following factors in making their decision:
 - (1) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
 - (2) effects of the project on the natural environment;
 - (3) effects of the project on surrounding properties;
 - (4) compliance with the general site design principles enumerated in s. 11.06.184;
 - (5) compliance with the design principles for parking lots enumerated in s. 11.17.03;
 - (6) compliance with other applicable requirements contained in this chapter; and
 - (7) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.
- (b) **Plan of operation.** The review authority shall consider the following factors in making their decision:

- (1) the nature of the land use with regard to the number of employees, nature and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics;
- (2) the nature and extent of anticipated positive and negative effects on properties in the area;
- (3) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use; and
- (4) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

11.05.96 Imposition of conditions

(a) **Site plan.** In approving a site plan, the Planning Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, revisions to the site design, and outdoor lighting.

(b) **Plan of operation.** In approving a plan of operation, the Planning Commission may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to operational characteristic of the land use, including hours of operation and processes or activities related to the land use.

(c) **Effect on contracts with another party.** The Planning Commission shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.⁸

11.05.97 Application form and content

The application submittal shall include an application form as may be used by the City.

11.05.98 Staff report content

The staff report should contain the following:

- (1) a description of the proposed project;
- (2) preliminary findings for the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and
- (5) other information deemed necessary.

11.05.99 Content of decision document

(a) **Approval.** If the application for a site plan or plan of operation is approved, the decision document should include the following:

- (1) a statement that the site plan/plan of operation is approved;
- (2) a description of the land use along with operational characteristics;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) a statement indicating that the property owner and operator, if different, must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;
- (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;

⁸ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (8) other information the reviewing authority or zoning administrator deems appropriate;
- (9) the signature of the zoning administrator on behalf of the reviewing authority; and
- (10) the date of the decision.

(b) **Denial.** If the application for a site plan or plan of operation is denied, the decision document should include the following:

- (1) a statement that the site plan/plan of operation is denied,
- (2) a description of the land use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the reviewing authority or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the reviewing authority, and
- (8) the date of the decision.

11.05.100 Effect of approval

The approval of a site plan and a plan of operation plan shall run with the land and is binding on all subsequent property owners.

11.05.101 Expiration of an approval

An approval of a site plan/plan of operation shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

11.05.102 Amendment of an approval

Following approval of a site plan or plan of operation, the Planning Commission shall review all proposed changes to the approval. If in the opinion of the Planning Commission, the proposed change constitutes a minor alteration, the Planning Commission may approve the requested change in writing at a regular or special meeting of the Planning Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

11.05.103 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision

11.05.104 to 11.05.110 Reserved

DIVISION 6 ARCHITECTURAL REVIEW

Sections

11.05.111	Generally	11.05.117	Application form and content
11.05.112	Applicability	11.05.118	Content of decision document
11.05.113	Initiation	11.05.119	Effect of approval
11.05.114	Review procedure	11.05.120	Expiration of an approval
11.05.115	Basis of decision	11.05.121	Amendment of an approval
11.05.116	Imposition of conditions	11.05.122	Appeal

11.05.111 Generally

Architectural review is intended to ensure that buildings fit in to the context in which they occur.

11.05.112 Applicability

Those land uses designated as requiring architectural review in the land-use matrix (Appendix A) must comply with the requirements in this division. The exterior of an existing building designated as requiring architectural review may be resided or re-roofed with the same or similar type of materials.

11.05.113 Initiation

The owner of the subject property may submit an application for architectural review.

11.05.114 Review procedure

The general steps outlined below shall be used in the review of an architectural plan application.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (4) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (5) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (6) **Decision.** The Planning Commission makes a decision to (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan. The Planning Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.
- (7) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a decision document consistent with this division.
- (8) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (9) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.115 Basis of decision

The review authority shall determine whether the building complies with all applicable provisions of this chapter.

11.05.116 Imposition of conditions

(a) **Generally.** In approving an architectural plan, the review authority may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) **Effect on contracts with another party.** The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.⁹

11.05.117 Application form and content

The application submittal shall include an application form as may be used by the City and a set of architectural plans prepared at an appropriate scale.

11.05.118 Content of decision document

(a) **Approval.** If the architectural plan is approved, the decision document should include the following:

- (1) a statement that the architectural plan is approved;
- (2) a description of the project;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;
- (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (8) other information the reviewing authority or administrator deems appropriate;
- (9) the signature of the zoning administrator on behalf of the reviewing authority on appeal; and
- (10) the date of the decision.

(b) **Denial.** If the architectural plan is denied, the decision document should include the following:

- (1) a statement that the architectural plan is denied,
- (2) a description of the project,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the reviewing authority or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the reviewing authority on appeal, and
- (8) the date of the decision.

11.05.119 Effect of approval

An approval of an architectural plan shall run with the land and is binding on all subsequent property owners.

⁹ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

11.05.120 Expiration of an approval

An approval of an architectural plan shall automatically expire 12 months after the date of issuance unless substantial work has commenced and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

11.05.121 Amendment of an approval

Following approval of an architectural plan, the Planning Commission shall review all proposed changes to the approval. If in the opinion of the Planning Commission, the proposed change constitutes a minor alteration, the Planning Commission may approve the requested change in writing at a regular or special meeting of the Planning Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

11.05.122 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision

11.05.123 to 11.05.130 Reserved

**DIVISION 7
SPECIAL EXCEPTION**

Sections

11.05.131	Generally	11.05.137	Application form and content
11.05.132	Initiation	11.05.138	Staff report content
11.05.133	Review procedure	11.05.139	Content of decision document
11.05.134	Basis of decision	11.05.140	Effect of approval
11.05.135	Imposition of conditions	11.05.141	Expiration of an approval
11.05.136	Limitations on issuing a special exception	11.05.142	Appeal

11.05.131 Generally

Upon written petition, the Planning Commission may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in this chapter.

11.05.132 Initiation

The owner of the subject property may submit an application for a special exception.

11.05.133 Review procedure

Planning Commission review. The general steps outlined below shall be used in the review of a special exception application.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the

application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.

- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (4) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator will also provide a copy to interested people upon request.
- (5) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (6) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (7) **Decision.** After considering all of the information submitted by the applicant and the staff report, the Planning Commission makes a decision based on the decision criteria contained in this division to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception.
- (8) **Preparation of final decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a final decision document consistent with this division.
- (9) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (10) **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (11) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.134 Basis of decision

The review authority shall consider the following factors:

- (1) the size of the property in comparison to other properties in the area;
- (2) the extent to which the issuance of the special exception would be in keeping with the overall intent of this chapter;
- (3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception;
- (4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;
- (5) the nature and extent of anticipated positive and negative effects on properties in the area;
- (6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;
- (7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; and
- (8) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

11.05.135 Imposition of conditions

(a) **Generally.** In approving a special exception, the review authority may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) **Effect on contracts with another party.** The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.¹⁰

11.05.136 Limitations on issuing a special exception

A special exception shall only be approved in those instances where issuance is specifically authorized in this chapter.

11.05.137 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix F.

11.05.138 Staff report content

The staff report should contain the following:

- (1) a description of the requested special exception;
- (2) preliminary findings for the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and
- (5) other information deemed necessary.

11.05.139 Content of decision document

(a) **Approval.** If the application for a special exception is approved, the decision document should include the following:

- (1) a statement that the special exception is approved;
- (2) a description of the special exception;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;
- (6) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (8) other information the review authority or zoning administrator deems appropriate;
- (9) the signature of the zoning administrator on behalf of the reviewing authority; and
- (10) the date of the decision.

(b) **Denial.** If the application for a special exception is denied, the decision document should include the following:

- (1) a statement that the special exception is denied,
- (2) a description of the special exception,

¹⁰ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the review authority or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the reviewing authority, and
- (8) the date of the decision.

11.05.140 Effect of approval

If a special exception is approved, such approval shall run with the land and is binding on all subsequent property owners.

11.05.141 Expiration of an approval

An approval for a special exception shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

11.05.142 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.143 to 11.05.150 Reserved

DIVISION 8 HOME OCCUPATION

Sections

11.05.151	Generally	11.05.154	Basis of decision
11.05.152	Initiation	11.05.155	Effect of approval
11.05.153	Review procedure	11.05.156	Appeal

11.05.151 Generally

For the purposes of this chapter, home occupations may have potential impacts on public health, safety, and welfare. This division describes the requirements and procedures for reviewing home occupations.

11.05.152 Initiation

The owner of the subject property may submit an application for a home occupation.

11.05.153 Review procedure

The general steps outlined below shall be used in the review of an application for a home occupation.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further

review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.

- (3) **Decision.** When the zoning administrator determines the application is complete, he or she makes a decision to (i) approve the permit for the home occupation, (ii) approve the permit with conditions, or (iii) deny the permit.
- (4) **Applicant notification.** Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator mails the decision document to the applicant by regular mail.
- (5) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.154 Basis of decision

In determining whether to approve or deny an application for a home occupation, the zoning administrator shall determine whether the proposed use is consistent with this chapter, and in particular the requirements in Appendix B.

11.05.155 Effect of approval

An approval to establish a home occupation is personal to the petitioner and may not be transferred to any other person. Such approval shall be valid for one year and, therefore, must be renewed annually.

11.05.156 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

11.05.157 to 11.05.170 Reserved

DIVISION 9 ZONING PERMIT

Sections

11.05.171	Generally	11.05.175	Basis of decision
11.05.172	Applicability	11.05.176	Expiration of an approval
11.05.173	Initiation	11.05.177	Appeal
11.05.174	Review procedure		

11.05.171 Generally

A zoning permit is administrative in nature and is intended to ensure that certain types of land uses are in compliance with this chapter and any precedent approvals (e.g., conditional use approval).

11.05.172 Applicability

Those land uses designated as requiring a zoning permit in the land-use matrix (Appendix A) must comply with the requirements in this division when a new use is being established and when there is a change in occupancy of an existing non-residential building.

11.05.173 Initiation

The owner of the subject property may submit an application for a zoning permit.

11.05.174 Review procedure

The general steps outlined below shall be used in the review of an application for a zoning permit.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Decision.** When the zoning administrator determines the application is complete, he or she makes a decision to (i) approve the zoning permit, (ii) approve the zoning permit with conditions, or (iii) deny the zoning permit
- (4) **Applicant notification.** Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator mails the decision document to the applicant by regular mail.
- (5) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.175 Basis of decision

In determining whether to issue a zoning permit or deny the permit, the zoning administrator shall determine whether the proposed use is consistent with (i) any prior approvals, such as conditional use approval, (ii) this chapter, and (iii) other provisions of the municipal code.

11.05.176 Expiration of an approval

(a) **Project involving construction.** For a project involving any construction, a zoning permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Change in use.** For a change in use, the zoning permit shall automatically expire 6 months after the date of issuance if the applicant does not move into the vacant space.

11.05.177 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

11.05.178 to 11.05.190 Reserved**DIVISION 10
RESERVED****11.05.191 to 11.05.210 Reserved**

**DIVISION 11
CERTIFICATE OF ZONING COMPLIANCE**

Sections

11.05.211	Generally	11.05.214	Review procedure
11.05.212	Applicability	11.05.215	Basis of decision
11.05.213	Initiation	11.05.216	Appeal

11.05.211 Generally

A certificate of zoning compliance provides proof that a new building or expansion complies with the zoning code and any related approvals. A certificate must therefore be obtained before the building is occupied.

11.05.212 Applicability

All principal land uses, except for single-family residences, must comply with the requirements in this division.

11.05.213 Initiation

The owner of the subject property may submit an application for a certificate of zoning compliance.

11.05.214 Review procedure

The general steps outlined below shall be used in the review of an application for a certificate of zoning compliance.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Decision.** When the zoning administrator determines the application is complete, he or she makes a decision to (i) approve the certificate of zoning compliance, (ii) approve the certificate with conditions, or (iii) deny the certificate.
- (4) **Applicant notification.** Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator mails the decision document to the applicant by regular mail.
- (5) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.215 Basis of decision

In determining whether to issue a certificate of zoning compliance deny the certificate, the zoning administrator shall determine whether the use is consistent with (i) the zoning permit if any (ii) any prior approvals, such as conditional use approval, (iii) this chapter, and (iv) other provisions of the municipal code.

11.05.216 Expiration of an approval

A certificate of zoning compliance does not expire.

11.05.217 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

11.05.218 to 11.05.230 Reserved**DIVISION 12
FLOODPLAIN PERMIT****Sections**

11.05.231	Generally	11.05.235	Basis of decision
11.05.232	Applicability	11.05.236	Application form and content
11.05.233	Initiation	11.05.237	Expiration of an approval
11.05.234	Review procedure	11.05.238	Appeal

11.05.231 Generally

A floodplain permit is administrative in nature and is intended to ensure that land uses located in the floodplain overlay district comply with the requirements in Article 9.

11.05.232 Applicability

A floodplain permit must be obtained before any of the following is initiated in the floodplain overlay district:

- (1) new development, broadly construed;
- (2) repair, modification, or addition to an existing structure; or
- (3) change in the use of a building or structure.

11.05.233 Initiation

The owner of the subject property may submit an application for a floodplain permit.

11.05.234 Review procedure

The general steps outlined below shall be used in the review of an application for a floodplain permit.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. If the application is deemed incomplete or if additional information is requested, the zoning administrator will take no further steps to process the application until the deficiencies are remedied or the information is provided. The incomplete application is retained as a public record.
- (3) **Decision.** When the zoning administrator determines the application is complete, he or she makes a decision based on the decision criteria contained in this division to (i) approve the floodplain permit, (ii) approve the floodplain permit with conditions, or (iii) deny the floodplain permit.
- (4) **Applicant notification.** Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator mails the decision document to the applicant by regular mail.
- (5) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.235 Basis of decision

In determining whether to issue a floodplain permit or deny the permit, the zoning administrator shall determine whether the proposed use is consistent with the standards in Article 12.

11.05.236 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix F. The application at a minimum shall include the following:

- (1) name and address of the property owner;
- (2) legal description of the subject property;
- (3) a description of the proposed project;
- (4) the elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (5) data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Division 4 or 6 [3.0 or 4.0] of Article 12 are met; and
- (6) data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 11.12.142 [2.1]. This may include any of the information noted in s. 11.12.63. [3.3(1)]

In addition to the information listed in Appendix F, the following shall be depicted on the site map:

- (1) elevation of existing and proposed roads located in the floodplain,
- (2) elevation of existing and proposed wellheads located in the floodplain, and
- (3) elevation of existing and proposed buildings located in the floodplain.

11.05.237 Expiration of an approval

(a) **Project involving construction.** For a project involving any construction, a floodplain permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Change in use.** For a change in use, the floodplain permit shall automatically expire 6 months after the date of issuance if the applicant does not move into the vacant space.

11.05.238 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

11.05.239 to 11.05.250 Reserved

**DIVISION 13
TERMINATION OF APPROVAL**

Sections

11.05.251	Generally	11.05.255	Basis of decision
11.05.252	Initiation	11.05.256	Application form and content
11.05.253	Review procedure for voluntary termination	11.05.257	Content of decision document
11.05.254	Review procedure for involuntary termination	11.05.258	Compliance with requirements of zoning district
		11.05.259	Appeal

11.05.251 Generally

There are certain situations when the approval for a land use may be terminated. This division describes the procedures for terminating an approved use.

11.05.252 Initiation

(a) **Voluntary termination of a conditional use.** The property owner is authorized to submit an application to terminate a conditional use approval for his or her property.

(b) **Involuntary termination of conditional use approval due to cessation.** The zoning administrator is authorized to submit an application to terminate a conditional use approval when he or she determines the land use authorized by such approval has ceased to operate for more than 12 months.

(c) **Involuntary termination of a conditional use approval due to violation.** The zoning administrator is authorized to submit an application to terminate a conditional use approval when he or she determines that the property owner has violated one or more conditions of approval and action has not been taken to correct the violation.

(d) **Involuntary termination of a specified land use due to cessation.** The zoning administrator is authorized to submit an application to terminate an approved land use when he or she determines that such use is no longer in use for the time period specified for such use.

(e) **Involuntary termination of a nonconforming use.** The zoning administrator is authorized to submit an application to terminate a nonconforming use when he or she determines that such use is having a significant harmful effect on the public health, safety, and welfare or the nonconforming use has ceased to operate for the period of time required by this chapter to retain designation as a nonconforming use.

11.05.253 Review procedure for voluntary termination

The general steps outlined below shall be used in the review of an application to voluntarily terminate an approval of a land use authorized under this chapter.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (4) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (5) **Decision.** The Planning Commission makes a decision to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination. The Planning Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.
- (6) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a decision document consistent with this division.
- (7) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (8) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (9) **Administrative steps.** If the application is approved, the zoning administrator updates any city records to indicate that the use as specified in the application has been terminated.

11.05.254 Review procedure for involuntary termination

The general steps outlined below shall be used in the review of an application to involuntarily terminate an approval of a land use authorized under this chapter.

- (1) **Submittal of application materials.** The zoning administrator shall complete an application and other required materials.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Common Council and the Planning Commission consistent with its adopted calendar.
- (4) **Special notice to property owner.** The zoning administrator mails a written notice to the property owner by regular and certified mail at least 30 calendar days prior to the date of the public hearing. Such notice shall state (i) the reasons why the zoning administrator has submitted an application to terminate the specified use; (ii) the date and time of the public hearing; (iii) contact information for the zoning administrator, including telephone number; and (iv) other information deemed appropriate by the zoning administrator. If the action is intended to terminate a conditional use for a violation, the notice shall state the alleged violation along with supporting evidence. If the action is intended to terminate an inactive land use, the notice shall state the time period when the land use was not in use along with supporting evidence.
- (5) **General public notice.** Consistent with Division 2 of Article 4, the zoning administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
- (6) **Public hearing.** Allowing for proper notice, the Planning Commission conduct a public hearing consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned the Planning Commission may direct the zoning administrator, the city engineer, and/or city attorney to conduct additional research. In addition, the Planning Commission may direct the zoning administrator to prepare such documents it deems necessary, including a preliminary decision document
- (7) **Recommendation.** After considering all of the information submitted by the applicant, public comments received at the public hearing, the Planning Commission, no more than 40 calendar days after the public hearing, makes a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
- (8) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
- (9) **Common Council meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
- (10) **Decision.** After considering all of the information submitted by the applicant, public comments received at the public hearing, and the Planning Commission's recommendation, the Common Council makes a decision based on the decision criteria contained in this division to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.
- (11) **Preparation of decision document.** Based on the action of the Common Council, the zoning administrator prepares a final decision document consistent with this division.
- (12) **Applicant notification.** Within a reasonable time following the Common Council's decision, the zoning administrator mails the decision document by regular mail to the property owner.
- (13) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

- (14) **Administrative steps.** If the application is approved, the zoning administrator updates any city records to indicate that the use as specified in the application has been terminated.

11.05.255 Basis of decision

The Planning Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

- (1) the nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;
- (2) effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;
- (3) effects of the existing use on the normal and orderly development and improvement of the surrounding property for those uses permitted in the zoning district in which they are located; and
- (4) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

11.05.256 Application form and content

The application submittal shall include an application form as may be used by the City. The application form shall request the following information:

- (1) the subject property location;
- (2) a description of the original approval, including conditions of approval, if any;
- (3) verification that the property owner is voluntarily seeking termination of a conditional use approval or evidence supporting the assertion that the use may be involuntarily terminated consistent with this division;
- (4) a description of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located; and
- (5) other information deemed necessary.

11.05.257 Content of decision document

(a) **Approval.** If the application to terminate an approval is approved, the decision document should include the following:

- (1) a statement that the specified use is terminated;
- (2) a description of the land use being terminated;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located;
- (5) a statement that the decision may be appealed as provided for in this division;
- (6) other information the Common Council or zoning administrator deems appropriate;
- (7) the signature of the zoning administrator on behalf of the Common Council; and
- (8) the date of the decision.

(b) **Denial.** If the application to terminate an approval is denied, the decision document should include the following:

- (1) a statement that the specified use continues to be an approved use,
- (2) a description of the land use,

- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement that the decision may be appealed as provided for in this division,
- (5) other information the Common Council or zoning administrator deems appropriate,
- (6) the signature of the zoning administrator on behalf of the Common Council, and
- (7) the date of the decision.

11.05.258 Compliance with requirements of zoning district

If the Common Council terminates an approval under this division, the property owner shall bring the subject property into conformity with the permitted use regulations of the zoning district in which the property is located. The Common Council shall establish a timeframe it determines appropriate to bring the property into compliance. In making such determination, the Common Council should consider the type of actions the property owner will need to take to bring the property into compliance and weather conditions. In no event, shall the compliance period be less than 30 calendar days or more than 9 months.

11.05.259 Appeal

The property owner or other person having a development interest in the terminated use may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.260 to 11.05.270 Reserved

DIVISION 14 REGISTRATION OF A NONCONFORMING USE

Sections

11.05.271	Generally	11.05.275	Application form and content
11.05.272	Initiation	11.05.276	Content of decision document
11.05.273	Review procedure	11.05.277	Effect of decision
11.05.274	Basis of decision	11.05.278	Appeal

11.05.271 Generally

There may be now or in the future certain uses of land that are not in compliance with this chapter, but which were legally established. These uses are referred to as "nonconforming uses," and consistent with the provisions of Article 19 are allowed to continue to operate within certain parameters. For this reason, it is necessary to document those uses that are considered nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (i) when the use was first established; (ii) that the use was established consistent with the rules and regulations in effect at the time, if any; (iii) that the use has operated continuously, without cessation of more than 12 continuous months; and (iv) the nature of the use. Failure to register a nonconforming use does not result in prohibition of the use, but in any future situation where the owner asserts the use is a nonconforming use, the property owner shall have the burden of so proving.

11.05.272 Initiation

Any of the following may submit an application to determine whether a use should be registered as a nonconforming use:

- (1) a person having a financial interest in the property or in the use occurring on the property;
- (2) the zoning administrator;
- (3) the Planning Commission, or any member thereof;
- (4) the Mayor; or
- (5) the Common Council, or any member thereof.

11.05.273 Review procedure

The general steps outlined below shall be used to determine if an existing use should be registered as a nonconforming use.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (3) **Special notice to property owner.** If the application process is not initiated by the property owner, the zoning administrator mails a written notice to the property owner by regular and certified mail at least 60 calendar days prior to the date of the Planning Commission meeting. Such notice shall invite the property owner to submit evidence relating to the pending determination. In addition, the notice shall state (i) the reasons why the application has been submitted; (ii) the date and time of the meeting; (iii) contact information for the zoning administrator, including telephone number; and (iv) other information deemed appropriate by the zoning administrator.
- (4) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (5) **Decision.** The Planning Commission determines whether it has sufficient evidence to make a decision, and if so whether the use should or should not be classified as a nonconforming use. The Planning Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.
- (6) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator within 15 calendar days of such decision prepares a decision document consistent with this division.
- (7) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the administrator mails the decision document to the property owner by regular mail.
- (8) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (9) **Inclusion in registry.** If the use is determined to be a nonconforming use, the zoning administrator shall include the nonconforming use in the registry authorized in Article 6.

11.05.274 Basis of decision

In making its decision, the review authority shall determine whether there is sufficient evidence to show that (i) the use in question was legally established; (ii) such use does not now comply with one or more of the requirements of this chapter; and (iii) such use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months.

11.05.275 Application form and content

The application submittal shall include an application form as may be used by the City and scaled drawing of the property and the location of the land use on the property. At a minimum, the application shall request the following information:

- (1) the date, or approximate date, the use was first established or believed to be first established;
- (2) evidence showing that the use at the time of establishment was legally established;
- (3) the date, or approximate date, when the use became nonconforming;
- (4) the section of the zoning regulation causing the use to be nonconforming;
- (5) evidence showing that the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months; and
- (6) the nature of the use and location on the property.

Sources of such information may be derived from any of the following:

- (1) written document (e.g., business license, meeting minutes, reports, planning documents, or a permit or other authorization) maintained by a local, state, or federal governmental body;
- (2) a newspaper article;
- (3) a dated photograph;
- (4) an aerial photograph;
- (5) a sworn affidavit supplied by the applicant or any other person; and
- (6) any other authoritative source as approved by the zoning administrator.

11.05.276 Content of decision document

(a) **Approval.** If the application for registering a nonconforming use is approved, the decision document should include the following:

- (1) a statement that the application is approved,
- (2) a description of the use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement that the applicant may appeal the decision as provided for in this division,
- (5) other information the review authority or the zoning administrator deems appropriate,
- (6) the signature of the zoning administrator on behalf of the review authority, and
- (7) the date of the decision.

(b) **Denial.** If the application for registering a nonconforming use is denied, the decision document should include the following:

- (1) a statement that the application is denied,
- (2) a description of the use,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the applicant may appeal the decision as provided for in this division,
- (6) other information the review authority or the zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the review authority, and
- (8) the date of the decision.

11.05.277 Effect of decision

If the review authority determines that a land use meets the criteria for a nonconforming use, such decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use.

11.05.278 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision

11.05.279 to 11.05.290 Reserved

DIVISION 15
CONVERSION OF A NONCONFORMING USE

Sections

11.05.291	Generally	11.05.298	Content of conversion order
11.05.292	Initiation	11.05.299	Content of decision document
11.05.293	Review procedure	11.05.300	Effect of approval
11.05.294	Basis of decision	11.05.301	Expiration of an approval
11.05.295	Imposition of conditions	11.05.302	Amendment of an approval
11.05.296	Application form and content	11.05.303	Appeal
11.05.297	Staff report content		

11.05.291 Generally

An existing nonconforming use (i.e., a tavern in a residential district) may be converted to another nonconforming use provided the new use is less nonconforming (e.g., from a tavern to a restaurant).

11.05.292 Initiation

The owner of the subject property may submit an application for a conversion of a nonconforming use, but only when the nonconforming use has been registered as a nonconforming use pursuant to Division 14 of this article.

11.05.293 Review procedure

(a) **Planning Commission review.** The general steps outlined below shall be used in the review of an application for a conversion of a nonconforming use.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.
- (2) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (3) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (4) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (5) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and Common Council, the applicant, and any other interested person upon request.
- (6) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator provides for a class 2 public notice, property owner notice, and meeting agenda notice.
- (7) **Public hearing.** Allowing for proper notice, the Planning Commission conducts a public hearing to review the application consistent with Division 3 of Article 4. Prior to the close of the public hearing, the

applicant or the Planning Commission may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned, the Planning Commission may direct the zoning administrator, the city engineer, and/or city attorney to conduct additional research and to prepare such documents it deems necessary, including a preliminary decision document.

- (8) **Staff follow-up.** After the close of the public hearing, the Planning Commission may direct the zoning administrator to prepare a preliminary decision document.
- (9) **Decision.** After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Planning Commission makes a decision based on the decision criteria contained in this division to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion.
- (10) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a final decision document consistent with this division, and a conversion order if approved.
- (11) **Applicant notification.** If the application is denied, the zoning administrator, within a reasonable time following the Planning Commission's decision, mails the decision document to the applicant by regular mail.
- (12) **Acceptance by property owner.** If the application is approved, the property owner must sign the conversion order to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The conversion order shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (13) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (14) **Recordation.** If the property owner signs the approved conversion order, the zoning administrator records the conversion order in the office of the Wood County register of deeds.

(b) **Common Council review on appeal.** If a final decision of the Planning Commission is appealed as provided for in this division, the general steps outlined below shall be used in the review of an application for a conversion of a nonconforming use.

- (1) **Submittal of application materials.** The zoning administrator forwards the application and other materials the applicant submitted, minutes of the Planning Commission meeting(s), and the decision document approved by the Planning Commission to the Common Council.
- (2) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
- (3) **Meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
- (4) **Decision.** After reviewing the written record, the Common Council makes a decision to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.
- (5) **Preparation of decision document.** Based on the action of the Common Council, the zoning administrator within 15 calendar days of such decision prepares a decision document consistent with this division.
- (6) **Applicant notification.** Within a reasonable time following the Common Council's decision, the administrator mails the decision document to the applicant by regular mail.
- (7) **Acceptance by property owner.** If the application is approved, the property owner and the operator, if different, must sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner or the operator, if different, may submit a petition to the City

Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

- (8) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (9) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator records the decision document against the subject property in the office of the Wood County register of deeds.

11.05.294 Basis of decision

The review authority shall compare the known and anticipated impacts of the existing nonconforming use on properties in the area and those of the proposed nonconforming use. The review authority shall not approve a conversion when the new nonconforming use would be more of a nonconformity than the existing nonconforming use.

11.05.295 Imposition of conditions

(a) **Generally.** In approving a conversion, the review authority may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, and hours of operation.

(b) **Effect on contracts with another party.** The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.¹¹

11.05.296 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix F.

11.05.297 Staff report content

The staff report should contain the following:

- (1) a description of the requested conversion;
- (2) preliminary findings for the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and
- (5) other information deemed necessary.

11.05.298 Content of decision document

(a) **Approval.** If the application for a conversion is approved, the decision document should include the following:

- (1) a statement that the conversion is approved;
- (2) a description of the new nonconforming use;
- (3) a statement indicating that the property owner must sign the conversion order and return it to the zoning administrator;
- (4) a statement that the applicant may appeal the decision to a court of competent jurisdiction;

¹¹ Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (5) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (6) other information the review authority or zoning administrator deems appropriate;
- (7) the signature of the zoning administrator on behalf of the review authority;
- (8) the date of the decision; and
- (9) the copy of the conversion order described in s. 11.05.299.

(b) **Denial.** If the application for a conversion is denied, the decision document should include the following:

- (1) a statement that the application is denied,
- (2) a description of the proposed conversion,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the review authority or zoning administrator deems appropriate,
- (7) the signature of the zoning administrator on behalf of the review authority, and
- (8) the date of the decision.

11.05.299 Content of conversion order

If the conversion is approved, a conversion order shall be prepared and adopted that contains (i) a description of the subject property's location (e.g., address, parcel number, reference to a parcel in a certified survey map or subdivision plat); (ii) a description of the existing and of the new nonconforming use; (iii) conditions of approval, if any; and (iv) other provisions deemed necessary given the nature of the approval.

11.05.300 Effect of approval

If the review authority approves the conversion, such approval shall run with the land and is binding on all subsequent property owners.

11.05.301 Expiration of an approval

If the zoning administrator determines that substantial work as authorized by a conversion approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 13 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months.

11.05.302 Amendment of an approval

Following approval of a conversion, the Planning Commission shall review all proposed changes to the approval. If in the opinion of the Planning Commission, the proposed change constitutes a minor alteration, the Planning Commission may approve the requested change in writing at a regular or special meeting of the Planning Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

11.05.303 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision

11.05.304 to 11.05.310 Reserved

DIVISION 16
EXPANSION OF A NONCONFORMING BUILDING

Sections

11.05.311	Generally	11.05.316	Application form and content
11.05.312	Initiation	11.05.317	Content of decision document
11.05.313	Review procedure	11.05.318	Effect of decision
11.05.314	Basis of decision	11.05.319	Expiration of an approval
11.05.315	Imposition of conditions	11.05.320	Appeal

11.05.311 Generally

A nonconforming building (i.e., a building built too close to a lot line) with a conforming use may be expanded in compliance with all requirements of the zoning code and with the procedures and requirements of this division.

11.05.312 Initiation

The owner of the subject property may submit an application to expand a nonconforming building with a conforming use.

11.05.313 Review procedure

(a) **Planning Commission review.** The general steps outlined below shall be used in the review of an application to expand a nonconforming building.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.
- (2) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (3) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (4) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Planning Commission consistent with its adopted calendar.
- (5) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy of it to each member of the Planning Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator will also provide a copy to interested people upon request.
- (6) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
- (7) **Meeting.** Allowing for proper notice, the Planning Commission considers the application at a regular or special meeting.
- (8) **Decision.** The Planning Commission makes a decision to (i) approve the expansion, (ii) approve the expansion with conditions, or (iii) deny the expansion. The Planning Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public hearing unless the applicant agrees to an extension of a specified duration.
- (9) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator prepares a decision document consistent with this division.

- (10) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the zoning administrator mails the decision document to the applicant by regular mail.
 - (11) **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
 - (12) **Recording of decision document.** The decision document is recorded in the Wood County register of deeds office when approval is granted.
 - (13) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (b) **Common Council review on appeal.** If a final decision of the Planning Commission is appealed as provided for in this division, the general steps outlined below shall be used in the review of an application to expand a nonconforming building.
- (1) **Submittal of application materials.** The zoning administrator forwards the application and other materials the applicant submitted, minutes of the Planning Commission meeting(s), and the decision document approved by the Planning Commission to the Common Council.
 - (2) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Common Council.
 - (3) **Meeting.** Allowing for proper notice, the Common Council considers the application at a regular or special meeting.
 - (4) **Decision.** After reviewing the written record, the Common Council makes a decision to (i) approve the expansion, (ii) approve the expansion with conditions, or (iii) deny the expansion. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.
 - (5) **Preparation of decision document.** Based on the action of the Common Council, the zoning administrator within 15 calendar days of such decision prepares a decision document consistent with this division.
 - (6) **Applicant notification.** Within a reasonable time following the Common Council's decision, the administrator mails the decision document to the applicant by regular mail.
 - (7) **Acceptance by property owner.** If the application is approved, the property owner must sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
 - (8) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
 - (9) **Recording of decision document.** If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator records the decision document against the subject property in the office of the Wood County register of deeds.

11.05.314 Basis of decision

The review authority shall consider the following factors:

- (1) the degree of the existing nonconformity (i.e., 1 foot into the setback or 1 foot from the property boundary line),

- (2) the size and configuration of the lot,
- (3) whether the lot conforms to the dimensional standards of the zoning district in which it is located,
- (4) the size and location of the existing nonconforming building,
- (5) the size and location of other existing structures and those structures reasonably anticipated on the lot,
- (6) the impact, if any, that the expansion may have on adjoining properties,
- (7) whether the proposed expansion would violate the intent of this chapter, and
- (8) any other factor that relates to the purposes of this chapter set forth in s. 11.01.05 or as allowed by state law.

11.05.315 Imposition of conditions

(a) **Generally.** In approving an expansion of a nonconforming building, the review authority may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping, screening, and the maximum size of the building(s), or impose limitations on additional buildings otherwise allowed on the subject property under the applicable zoning district regulations.

(b) **Effect on contracts with another party.** The review authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.¹²

11.05.316 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix F.

11.05.317 Content of decision document

(a) **Approval.** If the application for an expansion of a nonconforming building is approved, the decision document should include the following:

- (1) a statement that the building expansion is approved;
- (2) a description of the building project;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (6) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (7) other information the review authority or zoning administrator deems appropriate;
- (8) the signature of the zoning administrator on behalf of the review authority; and
- (9) the date of the decision.

(b) **Denial.** If the application for expansion of a nonconforming building is denied, the decision document should include the following:

- (1) a statement that the building expansion is denied,
- (2) reasons for the decision based on the criteria listed in this division,
- (3) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- (4) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

¹² Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

- (5) other information the review authority or zoning administrator deems appropriate,
- (6) the signature of the zoning administrator on behalf of the review authority, and
- (7) the date of the decision.

11.05.318 Effect of decision

If the review authority approves the expansion of a nonconforming building, the approval runs with the land and is binding on all subsequent property owners.

11.05.319 Expiration of an approval

An approval to expand a nonconforming building shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

11.05.320 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision

11.05.321 to 11.05.330 Reserved

DIVISION 17 CODE INTERPRETATION

Sections

11.05.331	Generally	11.05.336	Interpretation content
11.05.332	Initiation	11.05.337	Repeal or revision of an interpretation
11.05.333	Limitations on interpretations	11.05.338	Effect of an interpretation
11.05.334	Review procedure	11.05.339	Compilation of interpretations
11.05.335	Basis of decision	11.05.340	Appeal

11.05.331 Generally

From time to time, there may be instances where a person may have a question concerning a provision of this chapter or the application of a provision of this chapter. To ensure this chapter is consistently interpreted over time, a mechanism is needed to issue written interpretations. This division describes the procedures and requirements to issue such interpretations.

11.05.332 Initiation

Any person, including the zoning administrator, may submit a question for interpretation.

11.05.333 Limitations on interpretations

The responsibility for issuing an interpretation shall not be construed as overriding the responsibilities specifically given to any commission, board, or official named in any other part of this chapter.

11.05.334 Review procedure

- (a) **Zoning administrator review.** The general steps outlined below shall be used to render an interpretation.

- (1) **Submittal of question.** The individual requesting the interpretation shall submit the question in writing to the zoning administrator and the application fee as may be established by the Common Council.
- (2) **Decision.** In consultation with the city attorney, the zoning administrator shall make a written decision within 60 calendar days of when the petition was submitted.
- (3) **Notification of decision.** Within a reasonable time following completion of the interpretation, the zoning administrator mails a duplicate copy of the interpretation by regular mail to the individual requesting the interpretation and provides a copy of the same to the Planning Commission, the city attorney, and those city employees and agents involved in the administration of this chapter, as appropriate.
- (4) **Public record copy.** A duplicate copy of the interpretation is retained as a public record.
- (b) **Planning Commission review on appeal.** If a final decision of the zoning administrator is appealed as provided for in this division, the general steps outlined below shall be used to render an interpretation.
 - (1) **Submittal of application materials.** The zoning administrator forwards the application and other materials the applicant submitted to the Planning Commission along with the administrator's interpretation.
 - (2) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator places the matter on the meeting agenda of the Planning Commission.
 - (3) **Meeting.** Allowing for proper notice, the Planning Commission considers the appeal at a regular or special meeting.
 - (4) **Decision.** In consultation with the city attorney, the Planning Commission makes a written decision within 60 calendar days of when the zoning administrator's decision was appealed.
 - (5) **Preparation of decision document.** Based on the action of the Planning Commission, the zoning administrator within 15 calendar days of such decision prepares a decision document consistent with this division.
 - (6) **Applicant notification.** Within a reasonable time following the Planning Commission's decision, the administrator mails the decision document to the applicant by regular mail.
 - (7) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.335 Basis of decision

(a) **General.** In consultation with the city attorney and others as appropriate, the review authority shall (i) evaluate the section of this chapter in question and those that are related, (ii) consider the purposes of this chapter set forth in s. 11.01.05 and other parts of the chapter along with applicable legislative findings contained in this chapter, and (iii) consider other applicable interpretations that have previously been made and make a decision consistent with this division giving this chapter its most reasonable application. If the review authority cannot make a reasonable interpretation, a determination shall not be issued.

(b) **Floodplain zoning.** If an unclear provision relates to the floodplain regulations and is required by ch. NR 116, Wis. Admin. Code, the provision shall be interpreted in light of the standards in ch. NR 116 in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(c) **Shoreland-wetland zoning.** If an unclear provision relates to the shoreland-wetland regulations and is required by ch. NR 117, Wis. Admin. Code, the provision shall be interpreted in light of the standards in ch. NR 117 in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(d) **Similarity of land uses.** In making a determination as allowed under s. 11.06.32 with respect to similarity of land uses, the zoning administrator should consider (i) the nature of the requested use; (ii) whether the requested use is consistent with the City's comprehensive plan; and (iii) whether the requested use is consistent with the purposes of each of the zoning districts where the similar use is allowed either by right or as a conditional use.

11.05.336 Repeal or revision of an interpretation

The review authority may rescind or modify an interpretation the review authority issued if such interpretation is deemed to be incorrect in whole or in part.

11.05.337 Interpretation content

An interpretation shall be in writing and contain the following:

- (1) the name of the person posing the question,
- (2) the section number of this chapter in question,
- (3) the question or alleged ambiguity,
- (4) the factors that were considered in making the interpretation,
- (5) the interpretation,
- (6) other information the review authority deems appropriate,
- (7) the signature of the zoning administrator, and
- (8) the date of decision.

11.05.338 Effect of interpretation

An interpretation once rendered shall have full effect as if set forth in this chapter. Where appropriate, interpretations should be addressed through the amendment process. If the review authority determines that it is not possible to make a reasonable interpretation, such decision shall not affect the validity of any section of this chapter.

11.05.339 Compilation of interpretations

The zoning administrator shall keep a written record of all interpretations in effect and make them available for public inspection during normal office hours.

11.05.340 Appeal

An aggrieved person may, without time constraint, appeal an interpretation made pursuant to this division by filing an appeal with the Planning Commission. Following the final decision of the Planning Commission, an aggrieved person may appeal such decision to a court of competent jurisdiction without time constraint.

11.05.341 to 11.05.350 Reserved

**DIVISION 18
ADMINISTRATIVE APPEAL**

Sections

11.05.351	Generally	11.05.354	Basis of decision
11.05.352	Initiation	11.05.355	Effect of appeal
11.05.353	Review procedure	11.05.356	Appeal

11.05.351 Generally

Recognizing that there may be situations where a property owner or another party believes that the zoning administrator made an error in administering a zoning code, the state legislature established a mechanism to allow the Zoning Board of Appeals to review alleged administrative errors. This division describes the requirements and procedures for reviewing an alleged administrative error.

11.05.352 Initiation

Any person aggrieved by a final decision of the zoning administrator may file an appeal with the Zoning Board of Appeals consistent with this division.

11.05.353 Review procedure

The general steps outlined below shall be used in the review of an administrative appeal.

- (1) **Submittal of appeal.** The applicant submits a written appeal to the City Clerk within 30 calendar days of the date of the administrative decision being appealed, unless a different timeframe is established.
- (2) **Notification of appeal.** The City Clerk provides a duplicate copy of the appeal to the Zoning Board of Appeals and the zoning administrator.
- (3) **Compilation and submittal of record.** The zoning administrator compiles a complete and accurate record relating to the action being appealed and transmits it to the Zoning Board of Appeals in a timely manner.
- (4) **Special notice to Department of Natural Resources.** If the administrative appeal relates to a decision relating to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator mails a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.
- (5) **Special notice to parties in interest.** The chairperson of the Zoning Board of Appeals gives notice for the public hearing to the parties in interest, including the applicant and the zoning administrator.
- (6) **General notice.** The chairperson of the Zoning Board of Appeals provides a class 2 public notice and meeting agenda notice consistent with Division 2 of Article 4.
- (7) **Public hearing.** Allowing for proper notice, the Zoning Board of Appeals conducts a public hearing consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with Division 3 of Article 4.
- (8) **Decision.** After the public hearing has been closed, the Zoning Board of Appeals makes a decision to affirm the zoning administrator's decision, set aside the decision, or modify the decision. The Zoning Board of Appeals may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.
- (9) **Notification of decision.** Within a reasonable time following the Zoning Board of Appeals' decision, the clerk mails the decision document to the applicant by regular mail and provides a duplicate copy of the same to the zoning administrator and the Planning Commission.
- (10) **Notification to Department of Natural Resources.** If the administrative appeal relates to a decision relating to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator mails a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources.
- (11) **Public record copy.** A duplicate copy of the decision document is retained as a public record.

11.05.354 Basis of decision

(a) **Generally.** The Zoning Board of Appeals shall determine if the zoning administrator made an error in judgment as applied to the instance being appealed.

(b) **Historic property.** In an action involves a historic property, as defined in s. 44.31(3), Wis. Stats., the Zoning Board of Appeals shall consider any suggested alternatives or recommendations submitted by the landmarks commission, if one has been established, or the Planning Commission.

11.05.355 Effect of appeal

An appeal shall stay all legal proceedings in furtherance of the action from which the appeal is made, unless the zoning administrator certifies in writing to the Zoning Board of Appeals that a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, with notice to the zoning administrator from whom appeal is made.

11.05.356 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

11.05.357 to 11.05.370 Reserved

**DIVISION 19
VARIANCE**

Sections

11.05.371	Generally	11.05.378	Staff report content
11.05.372	Initiation	11.05.379	Content of decision document
11.05.373	Review procedure	11.05.380	Effect of approval
11.05.374	Basis of decision	11.05.381	Effect of denial
11.05.375	Limitations on issuing a variance	11.05.382	Expiration of an approval
11.05.376	Imposition of conditions	11.05.383	Appeal
11.05.377	Application form and content		

11.05.371 Generally

Recognizing that there may be situations where a zoning regulation that if enforced would cause unnecessary hardship to individual landowners, the state legislature established a mechanism to allow a municipality to issue a variance in those instances where a minor deviation would be appropriate to alleviate such hardship without circumventing or undermining the intent of the municipality's zoning regulations. This division describes the requirements and procedures for reviewing variance applications for dimensional standards.

11.05.372 Initiation

The owner of the subject property may submit an application for a variance.

11.05.373 Review procedure

The general steps outlined below shall be used in the review of a variance application.

- (1) **Submittal of application materials.** The applicant submits a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.
- (2) **Determination of completeness.** The zoning administrator reviews the submittal within 10 days of receiving the application and other required materials to make sure it is complete and ready for further review. If it is not complete, the zoning administrator will notify the applicant in writing of such deficiencies and that the applicant has 3 months from the date of the notice to resubmit the application or forfeit the application fee. The zoning administrator will take no further steps to process the application until the deficiencies are remedied. The incomplete application is retained as a public record.
- (3) **Review date.** When the zoning administrator determines the application is complete, he or she schedules the review with the Zoning Board of Appeals consistent with its adopted calendar.
- (4) **Special notice to Department of Natural Resources.** If the application relates to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator mails a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.
- (5) **General notice.** Consistent with Division 2 of Article 4, the zoning administrator provides for class 2 public notice, property owner notification, and meeting agenda notice.

- (6) **Staff report preparation and distribution.** The zoning administrator prepares a written staff report as described in this division and provides a copy to each member of the Zoning Board of Appeals and the applicant. The zoning administrator provides a copy to interested people upon request.
- (7) **Public hearing.** Allowing for proper notice, the Zoning Board of Appeals holds a public hearing consistent with Division 3 of Article 4. Prior to the close of the public hearing, the applicant or the board may request a continuance consistent with Division 3 of Article 4. If the public hearing is adjourned, the Zoning Board of Appeals may direct the zoning administrator, the city engineer, and/or city attorney to conduct additional research and to prepare such documents it deems necessary, including a preliminary decision document.
- (8) **Decision.** After the public hearing has been closed, the Zoning Board of Appeals after considering the comments and the staff report makes a decision based on the decision criteria contained in this division to (i) approve the variance, (ii) approve the variance with conditions, or (iii) deny the variance. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a subsequent meeting, but no later than 40 calendar days after the public hearing unless the applicant agrees to an extension of a specified duration.
- (9) **Preparation of decision document.** Based on the action of the Zoning Board of Appeals, the zoning administrator prepares a decision document consistent with this division.
- (10) **Applicant notification.** Within a reasonable time following the Zoning Board of Appeals' decision, the zoning administrator mails the decision document to the applicant by regular mail.
- (11) **Notification to Department of Natural Resources.** If the application relates to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator mails a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources.
- (12) **Acceptance by property owner.** If the Zoning Board of Appeals grants the variance with one or more condition of approval, the property owner must sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the zoning administrator may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.
- (13) **Public record copy.** A duplicate copy of the decision document is retained as a public record.
- (14) **Additional procedural steps.** If the Zoning Board of Appeals grants the variance, the applicant shall then follow other review procedures as may be required.

11.05.374 Basis of decision

The Zoning Board of Appeals shall base its decision upon the standard for a variance described in s. 62.23(7)(e)(7), Wis. Stats., and applicable judicial interpretations of such statute.

11.05.375 Limitations on issuing a variance

The following actions shall not be allowed by an area variance, and shall be deemed to be a use variance subject to the use variance standard in s. 62.23(7)(e)7.(d), Wis. Stats.:

- (1) expansion of a nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.), or
- (2) modification to lot size requirements so as to increase the permitted density or intensity of use.

11.05.376 Imposition of conditions

In approving a variance, the Zoning Board of Appeals may impose such conditions and restriction as may be necessary to grant approval.

11.05.377 Application form and content

The application submittal shall include an application form as may be used by the City and a project map prepared at an appropriate scale depicting the information listed in Appendix F.

11.05.378 Staff report content

The staff report should contain the following:

- (1) preliminary findings for the decision criteria listed in this division;
- (2) a preliminary recommendation to approve the application, approve the application with conditions, or deny the application;
- (3) a preliminary list of conditions for approval whether the staff recommendation is for approval or denial; and
- (4) other information deemed necessary.

11.05.379 Content of decision document

(a) **Approval.** If an application for a variance is approved, the decision document should include the following:

- (1) a statement that the variance is approved;
- (2) a description of the variance;
- (3) reasons for the decision based on the criteria listed in this division;
- (4) conditions of approval, if any;
- (5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same;
- (6) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to completion and that the Zoning Board of Appeals may, with cause, grant a one-time extension not to exceed 6 months;
- (7) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
- (8) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
- (9) other information the Zoning Board of Appeals or zoning administrator deems appropriate;
- (10) the signature of the chairperson of the Zoning Board of Appeals; and
- (11) the date of the decision.

(b) **Denial.** If the application for a variance is denied, the decision should include the following:

- (1) a statement that the variance request is denied,
- (2) a description of the proposed variance,
- (3) reasons for the decision based on the criteria listed in this division,
- (4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,
- (5) a statement that the decision may be appealed as provided for in this division,
- (6) other information the Zoning Board of Appeals or zoning administrator deems appropriate,
- (7) the signature of the chairperson of the Zoning Board of Appeals, and
- (8) the date of the decision.

11.05.380 Effect of approval

(a) **Generally.** An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. The variance runs with the land.

(b) **Creation of nonconformity.** If a variance is granted and creates a nonconforming situation, the premises is subject to all applicable provisions relating to nonconformities set forth in Article 19.

11.05.381 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.¹³

11.05.382 Expiration of an approval

A variance approval shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

11.05.383 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

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¹³ Commentary: See *Tateoka v City of Waukesha Bd. of Zoning Appeals*, 220 Wis.2d 656, 583 N.W. 2d 871 (Ct. App. 1998).

ARTICLE 6 ZONING DISTRICTS AND LAND USE

Divisions

1. Zoning districts and zoning map
2. Allowable land uses
3. General standards
4. Dimensional and related standards
5. Environmental and engineering
6. Site design
7. General architectural standards

DIVISION 1 ZONING DISTRICTS AND ZONING MAP

Sections

11.06.01	Generally	11.06.05	Effect of boundary line relocation on zoning designation
11.06.02	Establishment and purpose of zoning districts	11.06.06	Consistency with comprehensive plan
11.06.03	Relationship between base and overlay zoning districts	11.06.07	Zoning map
11.06.04	Necessity of zoning district designation		

11.06.01 Generally

The City is divided into a number of base zoning districts so that each parcel of land is located in at least one district and potentially more than one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable.

11.06.02 Establishment and purpose of zoning districts

(a) **Base zoning districts.** Recognizing that different areas of the City serve unique functions, the City is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and any development limitations as described in s. 11.06.141. The zoning districts are as follows:

Residential

- (1) **Rural residential (RR) district.** This district is intended to accommodate single-family dwellings on larger lots, limited agricultural uses, and other compatible land uses.
- (2) **Single-family residential (R-1) district.** This district is intended to accommodate single-family dwellings along with compatible community and civic uses.
- (3) **Mixed residential (R-2) district.** This district is intended to accommodate single-family dwellings and duplex units along with compatible community and civic uses.
- (4) **Multi-family medium density residential (R-3) district.** This district is intended to accommodate medium density housing consisting of multi-family buildings and townhomes with 3 to 15 dwelling units in any given project. Compatible community and civic uses may also be located in the district.
- (5) **Multi-family high density residential (R-4) district.** This district is intended to accommodate high density housing consisting of multi-family buildings and townhomes with more than 15 dwelling units in any given project. Compatible community and civic uses may also be located in the district.

- (6) **Manufactured home park (R-8) district.** This district is intended to accommodate mobile homes and/or manufactured homes as part of a unified project, which may also include compatible community and civic uses.

Commercial

- (7) **Downtown commercial (B-1) district.** This district is primarily intended to accommodate and create a high level of employment and business activity consisting of large- and small-scale uses. Smaller retail stores and specialty shops are common along with indoor attractions. Although professional services are allowed, they are less common. Sidewalk cafes are common during the warmer months of the year. The wide range of permissible uses and development standards are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development. Residential uses can occur in this district primarily on the upper levels of buildings. Parking is available on the street and in nearby public parking lots and garages. There is a balanced mix of one- and multi-story buildings.
- (8) **General commercial (B-2) district.** This district is primarily intended to accommodate a wide range of large- and small-scale commercial development generally on or near a major arterial along with compatible community and civic uses.
- (9) **Neighborhood commercial (B-3) district.** This district is intended to accommodate low-intensity commercial uses in a residential setting.
- (10) **Mixed use commercial (B-5) district.** This district is intended to be applied exclusively to those areas depicted on the city's adopted land use plan map as "general mixed use." These areas have been determined, via the city's comprehensive master planning process, to potentially be appropriated for a variety of land uses given the character of the existing development pattern in the area, the proximity of the area to major transportation facilities, and the availability of blocks of land which are sufficiently large to allow for integrated, coordinated, comprehensive site planning and mixing of compatible, well-planned land uses.

Industrial

- (11) **General industrial (M-1) district.** This district is intended to accommodate industrial, manufacturing, and storage where most of the activities are conducted within an enclosed building. Compatible community and civic uses are also allowed.
- (12) **Heavy industrial (M-2) district.** This district is intended to accommodate industrial, manufacturing, and storage uses where some or all the activities are conducted outside of an enclosed building. Compatible community and civic uses are also allowed.

Special Purpose

- (13) **Conservancy (C-1) district.** This district includes those lands that are predominantly environmentally sensitive. Given the various development constraints associated with these lands, development is restricted to land uses compatible with these constraints.
- (14) **Institutional (I-1) district.** This district is intended to accommodate institutional uses, whether maintained by the City, another governmental body, or a private business, that are deemed to be a permanent use. This district is located in and adjoining residential areas of the City where such uses are consistent with existing and planned residential uses.
- (15) **Park and Recreation (P-1) district.** This district is intended to accommodate outdoor recreation, whether maintained by the City, another governmental body, or a private business, that are deemed to be a permanent use. This district is located in and adjoining residential areas of the City where such uses are consistent with existing and planned residential uses.
- (b) **Overlay zoning district.** In addition to the base zoning districts enumerated in subsection (a) above, the following overlay zoning districts are established to account for unique conditions or requirements:
- (1) **Floodplain overlay district.** This district includes those lands within the 100-year floodplain as described by the Federal Emergency Management Agency in Flood Insurance Study 55007CV000A. Additional details are set forth in Article 9.
- (2) **Shoreland-wetland overlay district.** This district includes specified wetlands within the shoreland areas. Additional details are set forth in Article 11.

- (3) **Shoreland overlay district.** This district includes land within the shoreland areas. Additional details are set forth in Article 12.
- (4) **Wellhead protection overlay district.** This district includes those lands surrounding a public wellhead. Provisions are intended to further control what land uses may occur so that the City's municipal water supplies are reasonably protect from contamination. Additional details are set forth in Article 13.
- (5) **Downtown design overlay district.** This district is generally located in the downtown area and is intended to protect and perpetuate the predominant architectural character of the district. Additional details are set forth in Article 14.

(c) **Planned development district (PDD).** Planned development districts are a special type of zoning district and are established consistent with the procedures and requirements in Article 5. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are to be numbered sequentially (i.e., PDD-01, PDD-02, etc.).

11.06.03 Relationship between base and overlay zoning districts

If a parcel is located in one or more overlay districts, the regulations that apply to the underlying base zoning district remain in effect, except as modified by the overlay district(s), and if there is any conflict between the overlay districts, the most restrictive shall control.

11.06.04 Necessity of zoning district designation

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. In the event a parcel of land is for any reason deemed to be without a designation, no land development shall occur until such time as the Common Council has assigned the parcel an appropriate zoning classification.

11.06.05 Effect of a boundary line relocation on zoning designation

Pursuant to ch. 236, Wis. Stats., a lot line between adjoining parcels of land may be relocated in certain circumstances, potentially making one parcel larger and the other smaller. In those situations where the affected parcels are in different zoning districts, a lot line relocation shall not alter the location of the zoning district boundary until such time as the zoning map has been amended to reflect the new lot line.

11.06.06 Consistency with comprehensive plan

The City of Wisconsin Rapids has adopted a comprehensive plan consistent with s. 66.1001 Wis. Stats., for the purpose of guiding growth and development. The future land use map is especially important in terms of these zoning regulations. All changes to the zoning map must be consistent with the future land use map in effect at the time of the change. Exhibit 6-1 shows which zoning districts are consistent with the adopted future land use map. When one or more zoning districts are listed for a particular future land use classification, the Planning Commission shall recommend, and Common Council shall determine the appropriate zoning classification(s).

Exhibit 6-1. Future Land Use Map to Zoning Map Conversion Matrix

Future Land Use	PDD	Base Zoning District														
		RR	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	B-5	I-1	P-1	M-1	M-2	C-1
Residential	X	-	X	X	-	-	-	-	-	-	-	-	-	-	-	X
Mixed Residential	X	-	X	X	X	-	-	-	-	-	-	-	-	-	-	X
High Density Residential	X	-	-	-	X	X	-	-	-	-	-	-	-	-	-	X
Mobile Home	-	-	-	-	-	-	X	-	-	-	-	-	-	-	-	X
Mixed Use	X	-	-	-	-	X	-	X	X	X	X	-	-	-	-	X
Commercial	X	-	-	-	-	-	-	X	X	X	X	-	-	-	-	X
Institutional	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-	X
Public and Civic	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	X
Industrial	X	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X

Zoning Districts

PDD Planned Development District; RR Rural Residential; R-1 Single-Family Residential; R-2 Mixed Residential; R-3 Multi-family Medium Density Residential; R-4 Multi-family High Density Residential; R-8 Manufactured Home Park; B-1 Downtown Commercial; B-2 General Commercial; B-3 Neighborhood Commercial; B-5 Mixed Use Commercial; I-1 Institutional; P-1 Park and Recreation; M-1 General Industrial; M-2 Heavy Industrial; C-1 Conservancy

11.06.07 Zoning map

(a) **Title.** The map that depicts the location of the various zoning districts shall be titled "City of Wisconsin Rapids Zoning Map."

(b) **Map series.** The zoning map may consist of two or more maps when needed to clearly depict the various zoning districts and other features typically found on a zoning map. If a map series is used, each map in the series shall include a map number and name and a listing of all maps in the series (i.e., map index).

(c) **Official zoning map.** The City Clerk shall maintain one paper copy of the zoning map as the official map which shall be signed by Mayor and countersigned by the City Clerk. If there is a discrepancy between this zoning map and other maps as may be made available, the map maintained by the City Clerk shall control in all instances.

(d) **Availability.** The zoning map maintained by the City Clerk shall be available for public inspection upon request. The City Clerk and zoning administrator may post the zoning map on the city's website and otherwise make and distribute copies in a manner deemed appropriate.

(e) **Preparation of a new official map.** In the event the zoning map maintained by the City Clerk is damaged, lost, or destroyed the zoning administrator shall notify the Common Council and shall prepare a new zoning map and submit it to the Mayor and the City Clerk for signature.

(f) **History of amendment.** The zoning map maintained by the City Clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.

(g) **Archive of superseded maps.** The City Clerk shall maintain a permanent archive of superseded zoning maps that are created after January 1, 2018.

(h) **Amendment.** The procedure and requirements to amend the zoning map are set forth in Article 5.

11.06.08 to 11.06.30 Reserved

DIVISION 2 ALLOWABLE LAND USES

Sections

11.06.31	Land uses within zoning districts	11.06.35	Special standards for accessory land uses
11.06.32	Land uses not listed in land-use matrix	11.06.36	Special provisions for community living arrangements
11.06.33	Project classified in more than one land-use category	11.06.37	Special provisions for foster homes
11.06.34	Wind energy	11.06.38	Map of conditional uses

11.06.31 Land uses within zoning districts

(a) **General purpose zoning districts.** Land uses, as described in Appendix B, that are permitted in one or more of the base zoning districts are classified as principal, accessory, or temporary. Appendix A lists principal land uses (Series 1 to 16), accessory uses (Series 17), and temporary uses (Series 18). Each of the land uses are designated as one of the following in each of the base zoning districts:

- (1) The letter "P" indicates that the use is permitted in the zoning district by right provided that all other requirements of this chapter are met. Any commercial or industrial land use that is shown as permitted that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a conditional use
- (2) The letter "C" indicates that the use is allowed in the zoning district as a conditional use provided that all other requirements of this chapter are met,
- (3) The letters "WT" indicates that the use is subject to special standards and procedures for Wireless Telecommunication Facilities, or
- (4) A hyphen "-" indicates that the use is not permitted in the zoning district.

(b) **Planned development districts.** Land uses that are permitted in a planned development district are enumerated in the general development plan for the district, along with development standards, if any.

(c) **Floodplain overlay district.** The floodplain overlay district prohibits or restricts those land uses that could be impacted by flood events. See Article 9 for all of the land-use regulations.

(d) **Shoreland-wetland overlay district.** The shoreland-wetland overlay district prohibits various activities that would impact specified wetlands in the shoreland areas of the city. See Article 11 for all of the land-use regulations.

(e) **Shoreland overlay district.** The shoreland overlay district regulates the removal of vegetation and the placement of buildings along navigable water bodies. See Article 12 for all of the land-use regulations.

(f) **Wellhead protection overlay district.** The wellhead protection overlay district prohibits or restricts those land uses that could contaminate the public water supply. See Article 13 for all of the land-use regulations.

(g) **Downtown design overlay district.** The downtown design overlay district is not intended to regulate land uses. See Article 14 for all of the related architectural controls.

11.06.32 Land uses not listed in land-use matrix

Any land use that is not listed in Appendix A is prohibited unless the zoning administrator determines that such use is substantially similar to another use that is listed using the procedures and requirements set forth in Article 5 for a code interpretation.

11.06.33 Project classified in more than one land-use category

If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project shall not occur in the zoning district.

11.06.34 Wind energy

This chapter does not include any regulations relating to wind energy systems. The City of Wisconsin Rapids may however, enact an ordinance to regulate wind energy systems pursuant to the procedures and requirements set forth in s. 66.0401, Wis. Stats.

11.06.35 Special standards for accessory land uses

(a) **Generally.** An accessory building may only be established on a parcel when the property has a principal building or one is being constructed.

(b) **Exception for a utility cabinet.** For the purpose of this chapter, a utility cabinet may be established on a vacant lot prior to the establishment of a principal use.

(c) **Exception for removal of a principal building while retaining an accessory building.** Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow the removal of a principal building, while retaining the accessory building, when the Planning Commission determines that the principal building is dilapidated and the accessory building meets current building codes and serves a useful purpose. If the Planning Commission approves the special exception, the property owner shall record a deed restriction, as approved by the Planning Commission, in the Wood County register of deeds office that controls the use of the accessory building and incorporates any requirement imposed by the Planning Commission as a condition of approval.

11.06.36 Special provisions for community living arrangements

(a) **Limitations.** Under state law, the City of Wisconsin Rapids may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the city's population, whichever is greater. When that threshold is exceeded, the Common Council may prohibit additional community living arrangements from being located in the City. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the Common Council may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under s. 48.62, Wis. Stats., and an adult family home certified under s. 50.032(lm)(b), Wis. Stats., are exempt from this provision.¹

(b) **Periodic review of existing facilities.** Not less than 11 months but not more than 13 months after the first licensure of an adult family home under s. 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the Common Council may make a determination pursuant to s. 62.23(7)(i)(9), Wis. Stats., as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the Common Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Common Council may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility shall cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive test for the presences of HIV, as defined in s. 252.01(1M), Wis. Stats., antigen or nonantigenic products of HIV or an antibody to HIV resides in a community living arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the city.²

11.06.37 Special provisions for foster homes

A foster home that is owned, operated, or contracted for by the state of Wisconsin or a county department, is not subject to this chapter pursuant to 63 Atty. Gen. 34. All other foster homes and treatment foster homes must comply with this chapter.

11.06.38 Map of conditional uses

The zoning administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

¹ Commentary: See s. 62.23(7)(i), Wis. Stats.

² Commentary: See s. 62.23(7)(i), Wis. Stats.

11.06.39 to 11.06.60 Reserved**DIVISION 3
GENERAL STANDARDS****Sections**

11.06.61	Licensing with City	11.06.66	Driveway standards for residential properties
11.06.62	Licensing with state agencies		
11.06.63	Special provisions for residential land uses	11.06.67	Storage of motor vehicles and trailers
11.06.64	Street access	11.06.68	Compliance with building codes
11.06.65	Driveways	11.06.69	Negative use restrictions

11.06.61 Licensing with City

In addition to meeting the requirements contained in this article, land uses shall also meet any licensing requirements as may be established by the City.

11.06.62 Licensing with state agencies

If a land use or any related activity requires a license from the state, or its agent, to operate, such license shall be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires such license.

11.06.63 Special provisions for residential land uses

(a) **Use of a recreational vehicle for occupancy.** No recreational vehicle shall be used for habitation for more than 14 days per calendar year with no more than 5 consecutive days, except that a recreational vehicle may be occupied for up to 6 months when the city has issued a building permit for the construction of a single-family residence.

(b) **Occupancy.** A dwelling unit shall not be occupied by more than one household unit.

11.06.64 Street access

(a) Highway access and setback requirements. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

(b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (1) A primary, standard, or minor arterial highway intersecting another principal, primary, standard, or minor arterial highway at grade within 100 feet of the intersection of the right-of-way lines along the street.
- (2) Streets intersecting an arterial highway within 50 feet of at the grade intersection of the right-of-way lines along the street.

(c) Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected by property owners to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.

(d) Temporary access to the above rights-of-way may be granted by the zoning administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any condition required and shall be issued for a period not to exceed 12 months.

11.06.65 Driveways

(a) **Applicability.** All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall comply with this section.

(b) **General requirement.** A principal building on a lot must be served by a driveway connected to a public street.

(c) **Design.** The driveway must be suitable for automobile use, and provide adequate slope, width, and overhead clearance to allow uninhibited access by emergency vehicles and equipment.

(d) **Separation on the same parcel.** Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways on the same lot.

(e) **Width.** Openings for vehicular ingress and egress shall not exceed 30 feet for all residential uses. For duplexes, multi-family, and commercial uses, openings for vehicular ingress and egress shall not exceed 36 feet. Duplex openings in which both driveways into the duplex are adjacent to each other on the same street shall not exceed 40 feet.

(f) **Special provisions for West Grand Avenue, between 25th Avenue and West Riverview Expressway.** On West Grand Avenue, between 25th Avenue and West Riverview Expressway, islands between driveway openings shall be provided with a minimum of 200 feet between all driveways on the same lot. No access onto West Grand Avenue on corner lots except driveways that presently exist that would be 70 feet from the curb radii after the 2005 reconstruction of the street and onto dedicated turn lanes. After July 1, 2001, no new access points will be granted where one does not now exist. Joint driveways will be allowed between adjacent lots constructed on the property line.

(g) **Slope.** The maximum driveway slope shall not exceed 11% while accommodating for a typical sidewalk cross section as defined in Chapter 6 of the Municipal Code.

11.06.66 Driveway standards for residential properties

(a) **Surfacing.** Driveways and any related parking area shall be hard-surfaced with asphaltic pavement, concrete pavement, or pavers that provide the same structural support as the aforementioned.

(b) **Drainage.** Driveways and any related parking area shall be graded and drained to not cause a nuisance to adjoining properties.

(c) **Setback.** Driveways and any related parking area must be setback at least 3 feet from side lot lines, except as allowed in this subsection. A shared driveway may be located along a common lot line. A driveway accessing the bulb of a cul-de-sac street may be closer than 3 feet to a side lot line within 20 feet of the front lot line.

- (1) Where an existing driveway is located closer than 3 feet to the side property line, the driveway may be reconstructed in the same location and dimensions when compliance with the 3 feet setback would result in a driveway that is less than 12 feet wide or when meeting the 3 feet setback would result in the driveway being immediately adjacent to the home.

(d) **Minimum width.** The minimum width of a driveway is 10 feet.

(e) **Maximum width.**

- (1) The maximum width of a driveway at the right-of-way line is 30 feet.

- (2) The width of a driveway directly in front of the garage door(s) must not exceed the width of the garage on that side, except that the driveway in front of a single-car garage can be 24 feet wide provided the portion of the driveway that is not in front of the garage must not be located in front of the dwelling. Where the width of the driveway directly in front of the garage doors exceeds the width of the driveway at the right-of-way line, there must be a taper starting at least 8 feet from the right-of-way line.

- (3) The width of a driveway for a single-family residence without a garage (if existing or otherwise allowed) must not exceed 12 feet. The width of a driveway for a duplex without a garage (if existing or otherwise allowed) must not exceed 30 feet.

(a) **Auxiliary parking bay.** An auxiliary parking bay may be located along the side of an attached garage or detached garage, but not both, as follows:

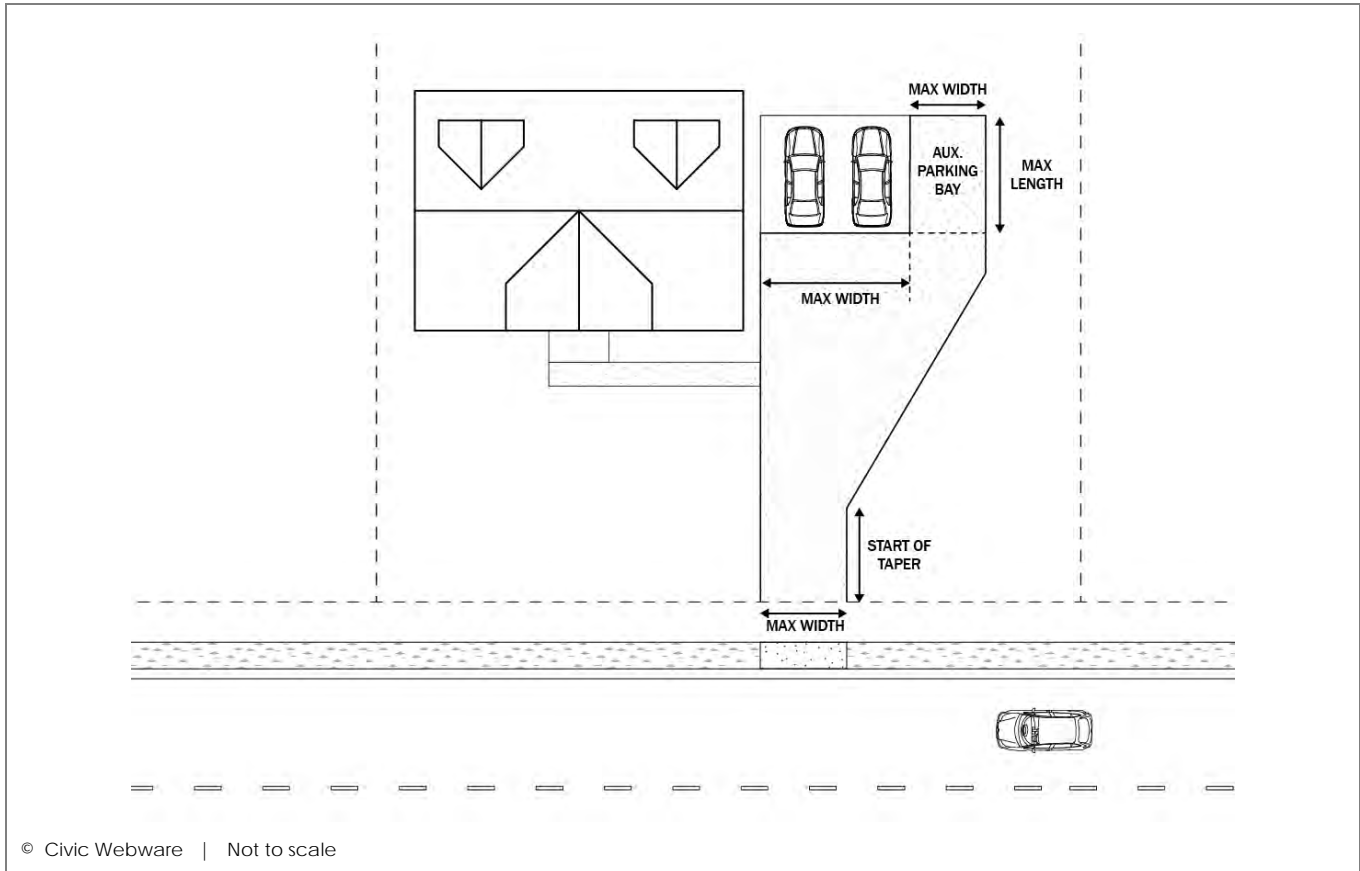
- (1) The parking bay must not be located in the front yard.
- (2) The parking bay must taper into the driveway.
- (3) The parking bay must be screened along the adjoining lot line.
- (4) The parking bay shall be uncovered.
- (5) The maximum width of the parking bay is 10 feet.
- (6) The maximum length of the parking bay is 20 feet, not including the taper.

Exhibit 6-2. Example of an auxiliary parking bay



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Exhibit 6-3. General Parking Requirements



11.06.67 Storage of motor vehicles and trailers

(a) **Motor vehicles.** All motor vehicles, including recreational vehicles, on a residential lot must be placed within an enclosed building or on a driveway or auxiliary parking bay as permitted by this chapter. A motor vehicle that is not stored within an enclosed building must be licensed by the state of Wisconsin or any other state.

(b) **On-site storage of a recreational vehicle.** No more than one recreational vehicle may be kept out of doors.

(c) **Parking of a commercial vehicle as an ancillary residential use.** One panel truck, semi-tractor, stake truck, or van (excluding semi-trailers) that is used for business purposes and/or personal use may be parked on a driveway or an auxiliary parking bay on a residential property.

(d) **Trailers.** One trailer on a residential lot may be parked on a driveway or auxiliary parking bay as permitted by this chapter or on an unsurfaced area of the lot as follows:

- (1) The trailer shall not be located in the front yard.
- (2) The trailer and any cargo must be at least 6 feet from a principal building and at least 3 feet from any lot line.
- (3) The trailer and any cargo shall not exceed (i) 12 feet in height above the ground surface as parked, but excluding mast; (ii) 30 feet in length, excluding trailer hitch, tongue, and bumper; or (iii) 9 feet in width, excluding any auxiliary hardware.

(e) **Ownership requirements.** Motor vehicles and trailers as may be allowed in this section are strictly limited to those actually used by the residents, or for the temporary parking of their guests.

11.06.68 Compliance with building codes

A building shall comply with all applicable building codes for the intended use.

11.06.69 Negative use restrictions

(a) **Legislative findings.** The Common Council finds that the public health, safety, and general welfare of the City are compromised when private parties impose negative use restrictions upon real property in the City which prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations upon such real property. Such negative use restrictions are separate and distinct from commercially reasonable non-compete clauses included in shopping center development agreements whereby a landlord may agree with a tenant that is a grocery store or drug store not to lease another space in the same shopping center to a second grocery store or drug store, respectively, in order to induce the first tenant to sign a long-term lease as an anchor tenant at such shopping center development.

(b) **Prohibition on negative use restrictions.** A private agreement that purports to impose negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations on such real property, when such use would otherwise be permitted (including as a conditional use) under this chapter, is against public policy, void, and unenforceable. This prohibition applies whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements, including those created prior to the effective date of this section.

(c) **Penalties.** The penalty provisions of this chapter shall not apply to any such private agreements entered into prior to August 1, 2018, which is the effective date of this section.

11.06.70 to 11.06.100 Reserved

**DIVISION 4
DIMENSIONAL AND RELATED STANDARDS**

Sections

11.06.101	Generally	11.06.112	Floor area of attached garage
11.06.102	Lot area	11.06.113	Floor area of detached accessory buildings
11.06.103	Lot width	11.06.114	Number of principal buildings on a lot
11.06.104	Street frontage	11.06.115	Number of accessory buildings on a lot
11.06.105	Water frontage	11.06.116	Separation requirements for buildings
11.06.106	Building setbacks	11.06.117	Placement of accessory buildings on a lot
11.06.107	Build-to-line	11.06.118	Placement of parking on a lot
11.06.108	Building and structure height	11.06.119	Vision triangle
11.06.109	Building coverage		
11.06.110	Impervious coverage		
11.06.111	Residential floor area		

11.06.101 Generally

Lots, buildings, and other structures not located within a planned development district shall conform to the dimensional standards set forth in Appendix C, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district.

11.06.102 Lot area

(a) **Generally.** The minimum size of lots shall comply with the requirements set forth in Appendix C, except when such lots are otherwise authorized herein.

(b) **Exemptions.** A parcel created by a land division that is authorized by the City is exempt from the minimum lot area requirements if such parcel is to be dedicated to the public or used for stormwater facilities or other types of development-related infrastructure or common open space, including walking and recreation trails.

(c) **Measurement of lot area.** Lot area is measured on the horizontal plane. For lots created after August 1, 2018, the following features shall not be included when determining the minimum lot area:

- (1) slopes exceeding 10 percent;
- (2) stormwater basins up to the design capacity elevation;
- (3) 100-year floodplains as delineated by an adopted flood insurance rate map (FIRM);
- (4) lakes, streams, manmade ponds, and similar waterbodies up to the elevation of the ordinary high-water mark;
- (5) the area within the proposed right-of-way of a street so designated on a highway width map as may be adopted by Wood County; and
- (6) if the street on which the lot fronts is not located within a public street right-of-way, the area of the easement designated for public street purposes, or the area extending 33 feet from the center of the street if the street is not located within an easement.

(d) **Use of a lot not meeting specified dimensional standards.** The use of a vacant nonconforming lot is governed by requirements set forth in Article 19.

(e) **Change in lot, generally.** A property owner shall not modify the area of an existing lot by any means so that the resulting lot area is less than the minimum lot area for the zoning district in which such lot is located, or if the existing lot is nonconforming with respect to lot area to reduce the lot area to make it more nonconforming.³

(f) **Change in lot with a conditional use.** The property boundary lines of a lot containing a conditional use shall not be modified in any manner without the express authorization of the Planning Commission. If the Planning Commission determines that the proposed reconfiguration or change in lot area is significant, the proposed change may only occur if the Planning Commission grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.

11.06.103 Lot width

(a) **Generally.** The width of a lot shall comply with the standards set forth in Appendix C.

(b) **Exemptions.** A parcel created by a land division that is authorized by the City is exempt from the lot width requirements if such parcel is dedicated to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails.

(c) **Measurement of lot width.** Lot width is measured along an imaginary line generally parallel to the front lot line at the front yard building setback line. Such measurement may not be interrupted by any feature, as in the case of a lot with two areas on the same street.

11.06.104 Street frontage

(a) **Generally.** A lot shall have and maintain frontage on a public street or approved private street for physical access to the lot in the location approved by the city, Wood County, or the state of Wisconsin for the minimum distance set forth in Appendix C. Frontage on a public or private street where access is prohibited does not constitute frontage for the purpose of this section.

(b) **Exemptions.** A parcel created by a land division that is authorized by the City is exempt from the street frontage requirements if such parcel is dedicated to the public or used for stormwater facilities and other type of development-related infrastructure or common open space including walking and recreation trails.

(c) **Measurement of street frontage.** Street frontage is measured along (1) the front property boundary line, (2) the easement dedicated for public street purposes, (3) 33 feet from the centerline of the public street if not located within an easement or right-of-way, or (4) the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County, whichever is furthest from the public street.

11.06.105 Water frontage

(a) **Generally.** A lot fronting on the Wisconsin River shall have at least 100 feet of frontage.

(b) **Measurement of water frontage.** Water frontage is measured perpendicular to one or both of the side lot lines at the ordinary high-water mark.

11.06.106 Building setbacks

(a) **Purpose.** Setback standards, in conjunction with other dimensional standards, are established to define a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of underground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures.

(b) **Generally.** Except as allowed in this section, buildings shall comply with the setback requirements set forth in Appendix C. For the purpose of this section, a roof overhang of 24 inches or less shall not be included in any setback measurement.

(c) **Measurement of front-yard setback.** The front-yard setback is measured perpendicular from (1) the front property boundary line, (2) the easement dedicated for public street purposes, (3) 33 feet from the centerline of

³ Commentary: This provision does not apply to a governmental body that acquires land from a willing or unwilling seller when needed for a public project, such as a street expansion.

the public street if not located within an easement or right-of-way, or (4) the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County, whichever is furthest from the public street.

(d) **Measurement of side-yard and rear-yard setback.** The side-yard setback is measured perpendicular to the side yard property boundary line. The rear-yard setback is measured perpendicular to the rear property boundary line.

(e) **Reduction of side yards on narrow lots.** If lot of record has a lot width that is less than what is required, the side yard setback is reduced proportionately to the ratio between the actual and required widths as more fully described in Appendix C.

(f) **Setback averaging for front-yard setback.** In lieu of the minimum front-yard setback specified in Appendix C, an alternative distance may be used in the more developed areas of the city based on the averaging of various specified buildings in the immediate area. The resulting setback may be less than or greater than the specified distance.

In those areas of the city where the majority of principal buildings along a street have less than the required front-yard setback, the setback for any new building or addition to an existing building is determined by averaging the setbacks for buildings within 300 feet that are closer than the established setback.

In those areas of the city where the majority of principal buildings along a street have significantly more than the required front-yard setback, the setback for a new building or an addition to an existing building is determined by averaging the setbacks for those buildings within 300 feet.

For the purpose of this subsection, the following rules shall apply when applying setback averaging:

- (1) Building projections which may extend into the setback area are not to be included.
- (2) Setback reductions as allowed by a variance shall not be included.
- (3) The required setback shall be used for any vacant lot.

(g) **Decks and porches.** Decks and porches are considered to be part of the building to which they are attached, and therefore must comply with all applicable setback requirements or as allowed in subsection (h) and (i) below.

(h) **Wheelchair access ramps.** The building inspector may, upon written petition, allow the construction of an unenclosed wheelchair access ramp in a setback area, provided the proposed location for the ramp is the only reasonable location based on the existing configuration of the building and the ramp encroaches into the offset area no more than is necessary to provide access to the building. Also see Article 21 for additional provisions relating to reasonable accommodations.

(i) **Structures and uses permitted in setback areas.** The following may be located in a required setback area, provided they do not extend into, or are located within, a utility easement or a required fire lane and meet all other requirements of this chapter:

- (1) landscaping;
- (2) fences as set forth in Article 15;
- (3) freestanding mailboxes and newspaper boxes;
- (4) play equipment, except not in a front yard;
- (5) small objects easily moved by hand such as birdbaths, birdfeeders, and birdhouses;
- (6) portable grills, picnic tables, and yard furniture but not when located on a patio or deck;
- (7) gardens;
- (8) flag poles,
- (9) compost bins;
- (10) clotheslines;
- (11) retaining walls as set forth in s. 11.07.423;
- (12) sidewalks in a development project, but not closer than 5 feet to a parcel in a residential zoning district or a planned development district that allows residential uses;

- (13) driveways, but not closer than 3 feet to a side lot line;
- (14) boat docks when allowed, but not closer than 5 feet to a side lot line;
- (15) specified building projections and other features as provided for in Exhibit 6-4;
- (16) wellheads not located in a building or other structure, provided separation requirements in state law are met;
- (17) geothermal systems as may be otherwise allowed by the city; and
- (18) other structures and land uses when exempted by the zoning administrator, provided such exemption is in keeping with the intent of this chapter.

Exhibit 6-4. Allowable building projections into a required setback area

Feature	Maximum projection
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a required front, side, or rear yard
Eaves	24 inches into a required front, side, or rear yard
Chimney	36 inches into a required front, side, or rear yard
Open or lattice enclosed fire escape, fireproof outside stairway and balcony opening upon fire tower	5 feet into a required side or rear yard
Balconies	3 feet into a required front or side yard; 5 feet into a required rear yard
Sunshades and awnings	3 feet into a required front or side yard; 5 feet into a required rear yard
Areaways	4 feet into a required side yard; 5 feet into a required rear yard
Steps, stoops, decks and porches, provided they are not higher than the ground floor elevation of the building to which they are attached	6 feet into a required front yard; 3 feet into a required side or rear yard

11.06.107 Build-to-line

(a) **Generally.** Build-to-lines are established in various zoning districts to ensure that buildings are placed near the street. All such distances are specified in Appendix C.

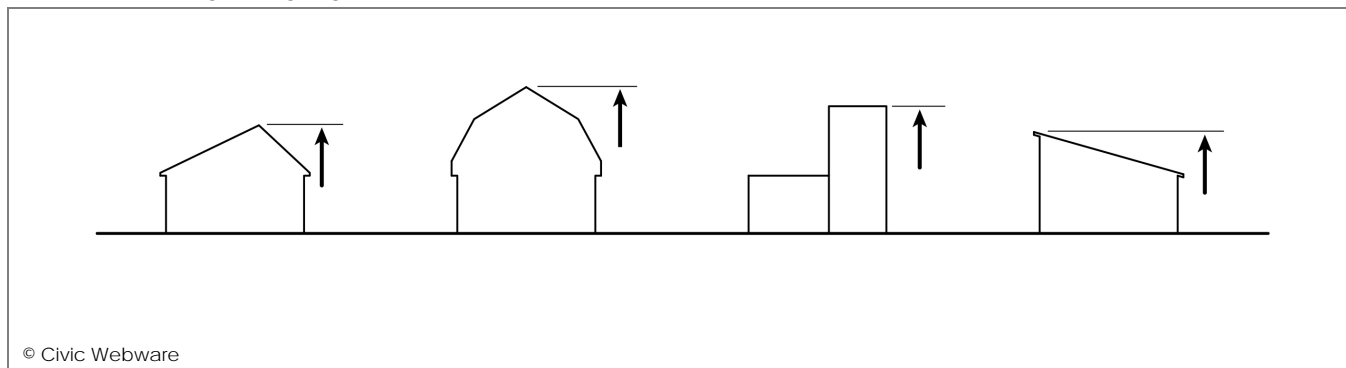
(b) **Measurement of build-to-lines.** The build-to-lines are measured perpendicular from (1) the property boundary line abutting a street right-of-way, (2) the easement dedicated for public street purposes, (3) 33 feet from the centerline of the public street if not located within an easement or right-of-way, or (4) the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County, whichever is furthest from the public street.

11.06.108 Building and structure height

(a) **Generally.** Except as allowed in this section, the height of a structure shall comply with the standards set forth in Appendix C.

(b) **Measurement of building height.** The height of a building is measured from the mean elevation of the finished grade along the front of the building to the highest point of any of the following roof types: flat, gable, gambrel, hip, shed, or mansard (Exhibit 6-5).

Exhibit 6-5. Measuring building height



- (c) **Modifications.** The height standards in Appendix C are modified as follows:

- (1) Essential services, such as utilities, water towers, and transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.
- (2) The height of telecommunication towers are governed by the standards established in Appendix B and the airport height regulations as may be adopted.
- (3) Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception for spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings.
- (4) Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception for roof-mounted solar systems.

11.06.109 Building coverage

(a) **Generally.** Building coverage is a measure of how much of a lot is occupied by buildings. It is the ratio of the footprint of all buildings on a lot to the net lot area, typically expressed as a percent. Standards for building coverage are used in conjunction with other standards such as building height to ensure buildings fit the zoning district in which they are located.

(b) **Standards.** Development on a lot shall comply with the building coverage standards set forth in Appendix C. The following shall not be included in determining building coverage: decks, patios, swimming pools, and any building with a footprint of 120 square feet or less.

(c) **Determination of net lot area.** For the purpose of this section, the net lot area is determined by subtracting the following from the gross lot area as may be appropriate:

- (1) If the public street is located within a public right-of-way, the area, if any, between the front property line and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.
- (2) If the public street is located within an easement, the area within such easement, and the area, if any, between such easement line and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.
- (3) If the public street is not located within a public right-of-way or an easement, the area extending 33 feet from the centerline of the public street, and the area, if any, between the previously defined area, and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.

(d) **Change in lot, generally.** A property owner shall not modify the area of an existing lot by any means so that the resulting lot does not comply with the building coverage standards set forth in Appendix C.

11.06.110 Impervious coverage

(a) **Generally.** Impervious coverage is a measure of how much of the lot is not able to absorb stormwater. It is the ratio of the total of all impervious surfaces to the net lot area, typically expressed as a percent. Standards are used to control the amount of impervious surface so that stormwater does not cause damage to infrastructure, buildings, and the natural environment, or endanger public safety.

(b) **Standards.** Development on a lot shall comply with the maximum impervious surface ratios set forth in Appendix C. For the purposes of this section, the following features are classified as impervious: concrete, asphalt, gravel, compacted soil, buildings, decks, and swimming pools.

(c) **Determination of net lot area.** For the purpose of this section, the net lot area is determined by subtracting the following from the gross lot area as may be appropriate:

- (1) If the public street is located within a public right-of-way, the area, if any, between the front property line and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.
- (2) If the public street is located within an easement, the area within such easement, and the area, if any, between such easement line and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.
- (3) If the public street is not located within a public right-of-way or an easement, the area extending 33 feet from the centerline of the public street, and the area, if any, between the previously defined area,

and the proposed right-of-way as depicted on a highway width map as may be adopted by Wood County.

(d) **Change in lot, generally.** A property owner shall not modify the area of an existing lot by any means so that the resulting lot does not comply with the impervious surface standards set forth in Appendix C.

11.06.111 Residential floor area

A building intended in whole or part for residential purposes shall provide a minimum floor area as set forth in Appendix C. The following areas are not counted as floor area for the purpose of this section: basements, attics not used for living purposes, attached garages, decks, porches, stoops, any space where the floor-to-ceiling height is less than 6 feet, and similar features.

11.06.112 Floor area of attached garages

The floor area of attached garages shall comply with the standards set forth in Appendix C.

11.06.113 Floor area of detached accessory buildings

The total floor area of detached accessory buildings, whether temporary or permanent, shall comply with the standards for building coverage set forth in Appendix C.

11.06.114 Number of principal buildings on a lot

(a) **Generally.** Except as allowed in this section, only one principal building is allowed on a lot. In the administration of this subsection, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

- (1) connection by a breezeway of any length;
- (2) connection by a deck;
- (3) connection by a porch;
- (4) any underground connection of any type;
- (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;
- (6) any connection that serves no significant purpose other than a walkway;
- (7) any connection that is significantly smaller in dimension than the connected parts; or
- (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

(b) **Exception for single-family dwelling unit during construction.** The Planning Commission may approve the issuance of a building permit for a single-family dwelling unit on a lot with an existing single-family dwelling unit, and allow the property owner to occupy the existing unit for a period of time not to exceed 18 months during the construction of the new dwelling unit.

If approval is granted, the property owner shall provide a financial guarantee to the City pursuant to the requirements in Article 5 in such amount as approved by the building inspector and the Planning Commission, and a signed agreement, approved by the city attorney and the zoning administrator. The financial guarantee shall equal 110 percent of the cost of removing the existing dwelling unit and restoring the site to an acceptable condition as determined by the building inspector. In setting the amount of the financial guarantee, the property owner may submit, and the building inspector may require the property owner to submit bids from qualified contractors for all work related to the removal of the building and restoration of the site. The signed agreement shall, at a minimum, include the following provisions:

- (1) The property owner and his/her family and no other may occupy the existing dwelling unit.
- (2) The property owner will remove the existing dwelling unit within 60 days from the issuance of the occupancy permit for the new dwelling unit.

- (3) The City is authorized to access the property to remove the existing dwelling unit if the property owner fails to do so within 60 days of issuance of an occupancy permit for the new dwelling unit.
- (4) The City may assess a special charge against the subject property to the extent the financial guarantee is insufficient to cover the actual cost of removing the existing dwelling unit and restoring the site to an acceptable condition as determined by the building inspector.

(c) **Exception for duplexes and multi-family dwelling units.** The Planning Commission may allow more than one duplex or multi-family dwelling on a single lot, provided the overall density of such units does not exceed the density otherwise allowed on individual lots.

(d) **Exception for commercial and manufacturing buildings.** The Planning Commission may allow more than one commercial or manufacturing building, when such building is needed for the operation of an existing use that is allowed by right or has been approved as a conditional use.

(e) **Additional standards.** When more than one permanent building is allowed on a lot, the Planning Commission may (1) require a greater setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping or screening, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter set forth in s. 11.01.05 or in any other section of this chapter.

11.06.115 Number of accessory buildings on a lot

The number of accessory buildings on a lot shall comply with the requirements set forth in Appendix C. In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

- (1) connection by a breezeway of any length;
- (2) connection by a deck;
- (3) connection by a porch;
- (4) any underground connection of any type;
- (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;
- (6) any connection that serves no significant purpose other than a walkway;
- (7) any connection that is significantly smaller in dimension than the connected parts; or
- (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

11.06.116 Separation requirements for buildings

An accessory building shall be erected or otherwise placed on a lot so that it is at least 10 feet from the principal building on the lot, without a firewall.

11.06.117 Placement of accessory buildings on a lot

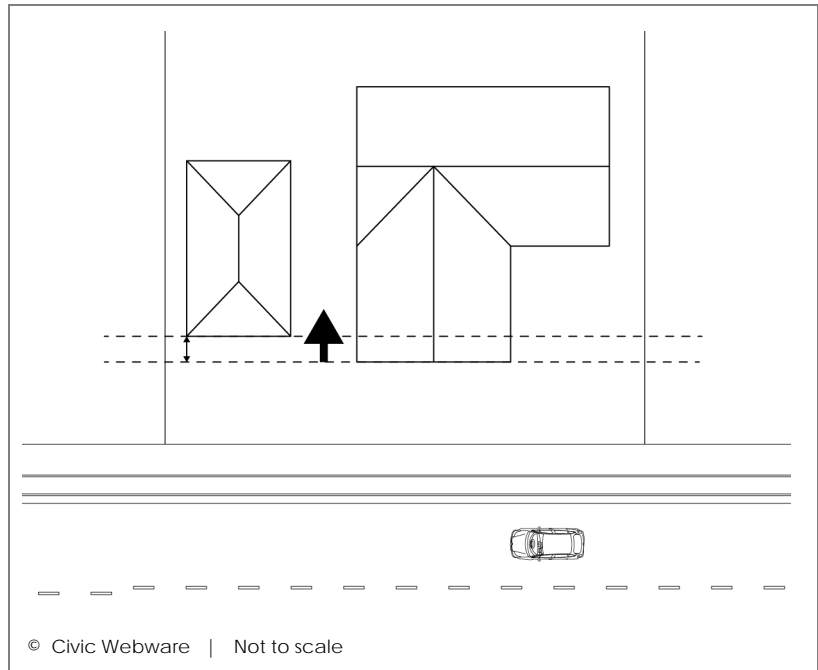
Except as permitted in this section, a detached accessory building must be located at least 5 feet behind the front face (i.e., face of the building closest to the street) of the principal building (Exhibit 6-6). In the case of a corner lot, the accessory building shall meet the minimum setback requirements from all streets. Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the Planning Commission shall consider (1) the size of the subject property, (2) the character of the area, (3) the size of the accessory building, (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area, and (5) other factors related to relevant circumstances.

11.06.118 Placement of parking on a lot

(a) **Purpose.** The amount of parking that can be placed in front of the building (i.e., between the street and the building) in some commercial zoning districts is controlled so that buildings become more prominent along public streets.

(b) **Standard.** The number of parking spaces placed in front of a building in the B-2 and B-5 zoning districts shall comply with the requirements set forth in Appendix C. Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow a greater amount as set forth in Appendix C. In making such decision, the Planning Commission shall consider (1) the size and configuration of the subject property, (2) the character of the area, (3) environmental constraints, and (4) other factors related to relevant circumstances.

Exhibit 6-6. Placement of an accessory building



11.06.119 Vision triangle

(a) **Purposes.** Vision triangles are established at the intersection of existing and proposed streets and alleys to help ensure that motorists are able to see pedestrians and cross traffic.

(b) **Establishment.** A vision triangle is formed by two lines along the right-of-way for the distances listed below and a chord connecting the end of those two lines (Exhibit 6-7).

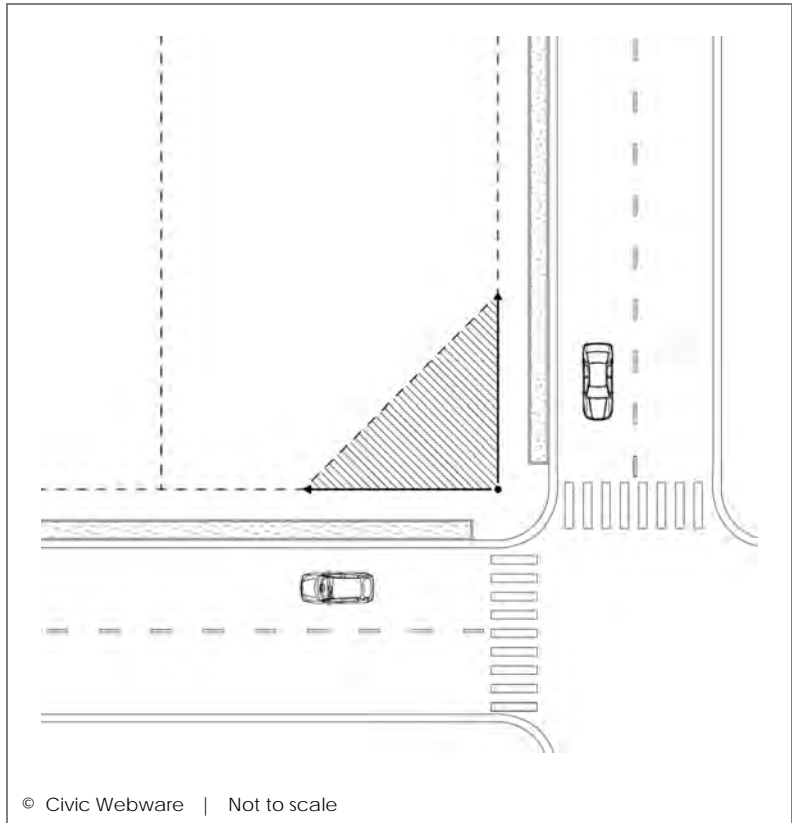
- (1) 5 feet (driveway depth) by 20 feet (street/alley length) along an alley or driveway
- (2) 20 feet along a local street
- (3) 40 feet along all other streets (i.e., a street not classified as a local street)

(c) **Applicability.** This section applies to all new development, except in the B-1 zoning district. Furthermore, the zoning administrator may, on a case-by-case basis, allow a lesser standard in those zoning districts where reduced or no building setbacks are encouraged or required.

(d) **Requirements of other jurisdictions.** When one or both of the streets at an intersection are under the control of the county, state, or federal government, development shall comply with the requirements imposed by the jurisdiction with authority. In all cases, the requirement imposing the largest vision triangle shall control.

(e) **Permissible use.** The area in a vision triangle shall be kept unobstructed from 2½ feet to 10 feet above the elevation of the centerline of the intersection, except for traffic signs, public utility poles, single-stem tree trunks without branches, and similar features as determined by the zoning administrator.

Exhibit 6-7. Vision triangle



11.06.120 to 11.06.140 Reserved

DIVISION 5 ENVIRONMENTAL AND ENGINEERING

Sections

11.06.141	Site restrictions	11.06.147	Noise
11.06.142	Building grade	11.06.148	Noxious fumes and smoke
11.06.143	Development within a public right-of-way	11.06.149	Vibrations
11.06.144	Sanitation and water supply	11.06.150	Fire and explosions
11.06.145	Erosion control	11.06.151	Traffic impact report
11.06.146	Stormwater management		

11.06.141 Site restrictions

If the zoning administrator determines that a parcel of land, whether vacant, partially developed, or fully developed, contains one or more development constraints that would preclude the normal use of the parcel for

a use that is otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other information as may be appropriate. Examples of development constraints include unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, stormwater runoff, inadequate drainage, erosion susceptibility, high groundwater, or any other constraint that is harmful to the public health, safety, and welfare. Once such a determination has been made, the zoning administrator, building inspector, or other governmental official or body shall not issue a development order or other approval authorizing the development in the area subject to the development constraint. The property owner has the right to appeal such administrative decision consistent with the procedures and requirements in Article 5. The zoning administrator may reconsider his or her determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

11.06.142 Building grade

The first floor of a building that is erected or otherwise placed on a lot shall be set at a grade approved by the city building inspector. In establishing the building's grade, the building inspector should consider the grade of other buildings in the immediate area, effects on drainage, and safe vehicular access. If the building, in whole or in part, is located within the 100-year floodplain, the first floor elevation shall comply with requirements set forth in Article 9.

11.06.143 Development within a public right-of-way

(a) **Generally.** When a property owner intends to install, reconstruct, or enlarge an awning, canopy, marquee, or similar feature that extends into a public right-of-way, the property owner must obtain written authorization of the public entity having jurisdiction over the right-of-way. If such authorization is for a defined period of time, the city's approval, if granted, incorporates such time period whether specifically included in the city's authorization or not.

(b) **Sample encroachment easement.** The zoning administrator, in consultation with the city attorney and others, is authorized to prepare a sample encroachment easement for city rights-of-way and make it available and post it on the city's website.

11.06.144 Sanitation and water supply

A land use involving human use or occupancy shall be served by safe and adequate facilities for water supply and sewage disposal consistent with applicable regulations as may be adopted by the City. (Chapter 5 of the municipal code)

11.06.145 Erosion control

Any land-disturbing activity authorized by this chapter shall comply with applicable erosion control regulations as may be adopted by the City. (Chapter 32 of the municipal code)

11.06.146 Stormwater management

Any land-disturbing activity authorized by this chapter shall comply with applicable stormwater management regulations as may be adopted by the City. (Chapter 35 of the municipal code)

11.06.147 Noise

In addition to any regulations relating to noise in this chapter, all land uses shall comply with the standards for noise in s. 25.18 of the municipal code.

11.06.148 Noxious fumes and smoke

In addition to any regulations relating to fumes and smoke in this chapter, all land uses shall comply with the standards in s. 25.10 of the municipal code.

11.06.149 Vibrations

No industrial operation or activity shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement, measured in inches of earth) shall be measured at any point along the exterior boundary of the industrial park district with a three component measuring instrument approved by the common council and shall be expressed as displacement in inches.

Frequency Cycles/Second	Maximum Permitted Displacement Along Subdivision Boundaries (in inches)
0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
40 and over	

11.06.150 Fire and explosions

Any land use involving materials which could decompose by detonation shall be located at least 400 feet from a property in a residential or commercial zoning district or a planned development district, except that this standard shall not apply to the storage or usage for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices consistent with all fire prevention codes of the state of Wisconsin.

11.06.151 Traffic impact report

(c) **When required.** A traffic impact report shall be prepared for a proposed project when the anticipated number of trips per day of the proposed development at build-out is 500 or more. When the number of trips is 300 or more but less than 500, the city may in its sole discretion require a traffic impact report when circumstances warrant such review.

(d) **Preparation.** When a traffic impact report is required, the applicant shall hire an engineer as approved by the city to prepare the report. The approved engineer shall have expertise in transportation planning.

(e) **Trip generation rates.** Trip generation rates for various land uses shall be based on the manual entitled "Trip Generation" (latest edition) published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if it can be shown that the alternative source better reflects local conditions.

(f) **Form and content.** The traffic impact report shall be in written form along with supporting maps and other information as appropriate. At a minimum, the report shall include the following elements:

- (1) existing traffic circulation conditions and patterns;
- (2) anticipated traffic circulation conditions and patterns, including truck movements;
- (3) effects of the project on traffic safety and efficiency;
- (4) recommendations/alternatives to alleviate any potential negative effects; and
- (5) an executive summary.

11.06.152 to 11.06.180 Reserved

DIVISION 6 SITE DESIGN

Sections

11.06.181	Legislative findings	11.06.183	General site design principles
11.06.182	Applicability	11.06.184	Specific design principles

11.06.181 Legislative findings

The Common Council makes the following legislative findings regarding the site design requirements in this chapter:

- (1) The design and layout of a site, including principal and accessory buildings, pedestrian routes, parking areas, access drives, building service areas, docking and loading areas, outdoor lighting, signage, stormwater management facilities, and other site features, can have a substantial and long-lasting effect on the utility of the subject property and on surrounding properties and the overall character of a community.
- (2) The requirements in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.
- (3) The requirements in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

11.06.182 Applicability

Those land uses designated as requiring site plan review in the land-use matrix (Appendix A) must comply with the requirements in this division.

11.06.183 General site design principles

Development subject to review under this division shall adhere to the following design principles along with other requirements that may apply:

- (1) A building shall be arranged on the site so as to not impede traffic accessibility and circulation to or from adjacent streets and adjoining sites developed with similar nonresidential uses.
- (2) The front of the building shall be generally parallel to the street or a public area, such as a courtyard, plaza, or the like.
- (3) Cross accesses shall be provided between adjoining commercial parcels whenever it is feasible to do so.
- (4) A docking or loading area for a commercial, institutional, or industrial building shall be easily accessible to service vehicles, separated from the on-site parking area, and designed to serve multiple establishments and tenants, when possible. Such docking or loading area shall not be readily visible from a public street, an on-site customer parking area, or an abutting property in a commercial or residential district or a planned development district that allows residential uses. Screening from view may be accomplished by (a) integrating such area into the overall design of the building (e.g., inside of the building or use of architectural extension of a building wall), (b) using a fence; a berm; landscaping, above what is otherwise required in this chapter; other suitable feature; or (c) any combination thereof.
- (5) Existing natural resources and topographic features on the site shall be preserved to the greatest extent possible while affording a reasonable use of the property.
- (6) The project shall not create any hazard.
- (7) The project shall be designed to avoid existing hazards, whether manmade or natural, and if avoidance is not possible, to mitigate the effects of the hazard to a satisfactory level necessary to protect the public health, safety, and welfare.
- (8) Parking areas and pedestrian routes located on the site shall be designed to promote safety and efficient traffic flow.

11.06.184 Specific design requirements

In addition to the principles enumerated in this division, projects shall be designed to comply with all other development standards in this chapter that may apply.

11.06.185 to 11.06.200 Reserved

**DIVISION 7
GENERAL ARCHITECTURAL STANDARDS**

Sections

11.06.201	Legislative findings	11.06.203	Architectural standards
11.06.202	Applicability	11.06.204	Additional standards in the Downtown Design Overlay district

11.06.201 Legislative findings

The Common Council makes the following legislative findings regarding the architectural requirements in this article:

- (1) The outward design appearance of a building can have a substantial and long-lasting effect on surrounding properties and the overall character of a community.
- (2) Buildings and especially those within a largely developed area should fit into the context in which they occur.
- (3) Architectural design standards should allow for a variety architectural styles and be flexible to the greatest extent possible.
- (4) The standards in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.
- (5) This section is not intended to limit or infringe upon reasonable accommodations to afford a person with disabilities equal opportunity to use and enjoy a building.
- (6) The standards in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

11.06.202 Applicability

Those land uses designated as requiring architectural review in the land-use matrix (Appendix A) must comply with the requirements in this division.

11.06.203 Architectural standards

Buildings subject to review under this division shall comply with the following architectural standards:

- (1) The scale of the building shall be compatible with the overall massing and the individual parts of adjacent buildings, especially existing and anticipated residential buildings in a residential zoning district or a planned development district that allows residential uses.
- (2) Windows, doors, and other openings must form a unified composition in proportion to the building elevation.
- (3) On any new building constructed for business or manufacturing use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Planning Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or at least 25 percent of the that side wall distance, whichever is greater.

- (4) Principal buildings with a front elevation of more than 750 square feet in area shall be divided into distinct planes of 500 square feet or less. The following design features can be used to meet this provision (1) canopies or awnings; (2) arcades; (3) porches; (4) vertical wall offsets having a minimum depth of 8 inches and a minimum width of 10 feet; (5) horizontal offsets having a minimum depth of 2 feet; (6) pilasters having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height; (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and (8) other suitable multidimensional design features.
- (5) Oversized fenestration elements which tend to create a monumental scale shall not be used unless specifically required by the type of building or relationship to its surroundings.
- (6) Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes.
- (7) The appearance of a side or rear of a commercial or institutional building shall be the same as or similar to the front of such building when it is readily visible from a public street or an abutting property in a commercial or residential zoning district or a planned development district that allows commercial and/or residential uses.
- (8) Rooftop mechanical equipment shall be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building's architecture.
- (9) Fencing shall complement the appearance of buildings onsite.
- (10) The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building.
- (11) Overhead doors shall not face a public street. The Planning Commission may permit overhead doors to face a public street, but only when it has made a finding that there is no feasible alternative location for such doors. Consistent with the requirements in Article 5, the Planning Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative.
- (12) HVAC (heating, ventilating, air conditioning) equipment shall be screened from view. No HVAC shall create a noise level of more than 50 decibels as measured on a dB(A) scale at the nearest existing adjacent residence.
- (13) When trash, garbage and recyclable materials are stored out-of-doors, such materials shall be concealed or suitably screened from public view. When located in a commercial zoning district, the enclosure must be made of brick, textured concrete masonry units, and/or wood. When located in an industrial zoning district, the enclosure must be made of brick, textured concrete masonry units, wood, and/or chain-link with slats.

The Plan Commission, via special exception, can approve a chain link enclosure in a commercial zoning district when the following standards are met:

1. The enclosure shall be located within the rear yard.
2. The chain link fence shall have privacy slats installed.
3. Landscaping, in the form of shrubs shall completely screen the enclosure at maturity and be a minimum of 50% of the enclosure height at planting, except the enclosure gate.
4. The enclosure gate shall be 100% opaque and made of wood, synthetic or metal materials. A chain link gate is permitted when a principal, or accessory building completely screen the gate from the right-of-way or adjacent lot.

11.06.204 Additional standards in the downtown design overlay district

Buildings located in the downtown design overlay district must comply with the requirements in Article 14.

ARTICLE 7 BUILDING TYPES

Sections

11.07.01	Purpose	11.07.03	Conflicts with district standards
11.07.02	Applicability	11.07.04	Standards

11.07.01 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- (1) establish minimum requirements necessary to foster a suitable built environment;
- (2) ensure compatibility between different land uses and building forms;
- (3) encourage building forms that respect their context; and
- (4) encourage pedestrian movement by encouraging building forms that present an active face to the street.

A variety of building forms are defined to identify and establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. Buildings types that are not included may be allowed if they meet the intent and other design standards of the zoning district where they would be located.

11.07.02 Applicability

The standards in this article apply to new buildings and to building additions that exceed 50 percent of the existing gross floor area. Such additions must comply with the design standards to the extent feasible, given the placement and design of the existing building.

11.07.03 Conflicts with district standards

Where there is a conflict between the standards in this article and any general or specific standards, the latter standards shall prevail.

11.07.04 Standards

A variety of building forms are defined in this section to establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. Illustrations are included in Appendix D for the following building types (which may also correspond to a use type).

- Single-family dwelling
- Two-family dwelling
- Twin home
- Townhouse
- Multi-family
- Institutional
- Commercial
- Work/live
- Industrial
- Parking structure

Buildings types that are not included may be allowed if they meet the intent and other design standards of the zoning district where they would be located.

The illustrations are general in nature and may not be to scale or depict every applicable requirement.

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ARTICLE 8 ALTERNATIVE DEVELOPMENT OPTIONS

Divisions

1. Cottage housing
2. Traditional neighborhood development

DIVISION 1 COTTAGE HOUSING

Sections

11.08.01	Generally	11.08.08	Building standards
11.08.02	Legislative findings	11.08.09	Architectural standards
11.08.03	Type	11.08.10	Parking and garages
11.08.04	Application and review procedures	11.08.11	Community buildings
11.08.05	General design principles	11.08.12	Lot coverage
11.08.06	Project parameters Building standards	11.08.13	Screening
11.08.07	Open space		

11.08.01 Generally

A cottage housing project is a residential development characterized by housing units that front on a common area and the housing units are comparatively small when compared to typical single-family units. A cottage housing project must reflect a coherent and high-quality design concept. Exhibit 8-1 depicts an example of a cottage housing project to show some of the major features.

11.08.02 Legislative findings

The Common Council makes the following legislative findings:

- (1) Cottage housing is a new type of housing in Wisconsin Rapids that can fill an unmet housing need.
- (2) Cottage housing can provide opportunities for homeownership that may not otherwise exist.
- (3) Cottage housing responds to demographic trends occurring locally, in the region, and nationally. These include a declining household size and more people living alone and longer.
- (4) It is not possible to define specific areas in the city where cottage housing should be developed. Rather, cottage housing is a development option that developers can explore.
- (5) Cottage housing will likely have the same, or fewer people than the single-family homes that could be built on the site.
- (6) Given the size restrictions on the housing unit, the bulk of a cottage housing project is similar to the single-family homes that could be built on the site.
- (7) Cottage housing is consistent with the City's comprehensive plan and supports the findings in the Housing Study completed in 2016.
- (8) Rather than codifying all parameters of cottage development, the standards in this article are intended to provide sufficient guidance without becoming overly prescriptive, with the understanding that the city and the developer will work together to craft a detailed development plan that meets community needs and works well with the site and the target market.

Exhibit 8-1. Example of a Cottage Housing Project



© Civic Webware | Not to scale

11.08.03 Type

A developer can propose a cottage housing project as a traditional subdivision plat or as a condominium project.

11.08.04 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article 6, except as may be specifically modified in this article.

11.08.05 General design principles

In the design of a cottage housing project the following design principles must be satisfied:

- (1) A majority of the dwelling units must abut a common area.
- (2) Dwelling units must be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (3) The project must accommodate emergency vehicles to the satisfaction of the Wisconsin Rapids fire chief.
- (4) The project must include an internal network of pedestrian paths and sidewalks for residents and their guests. Connections to the surrounding neighborhood should be made where appropriate or required.
- (5) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

11.08.06 Project parameters

- (a) **Clusters.** A cottage housing project may consist of one or two clusters.
- (b) **Number of units.** A cluster of cottage housing must contain at least 4 dwelling units but no more than 12.
- (c) **Separation between clusters.** A cluster of cottage housing must be at least 400 feet from any other existing or approved cottage housing cluster in the city.

(d) **Density.** The base density of dwelling units in a cottage housing project is based on the density and/or minimum lot size of the underlying zoning district and the size of the dwelling units to be constructed as set forth in Table 8-1. The City Council, upon recommendation of the Planning Commission, may allow a greater density when the project exemplifies exceptional design characteristics and integration with the character of the area.

(e) **Minimum lot size.** Beyond the density restrictions listed in this section, there is no minimum lot size for lots created through the land division process.

11.08.07 Open space

(a) **Intent.** Open space is an integral feature of a cottage housing project and is intended to be the focal point throughout the design process. In other words, adding open space here and there as an afterthought is not acceptable.

(b) **Requirements.** A minimum of 450 square feet of open space must be provided for each dwelling unit in the project, but not less than 2,800 square feet regardless of the number of dwelling units. Such open space must be useable for active or passive recreational activities and therefore shall not include stormwater basins, wetlands, steep slopes, or other similar areas.

(c) **Placement.** Open space should be centrally located to the benefit of the units in the project. As a general rule, each dwelling unit must face the open space on one side, but preferably two sides.

(d) **Improvements.** Common open space shall be improved for passive and/or active recreational use and may include patios, lawns, gardens, landscaping, outdoor gathering areas, pedestrian paths, common barbeque facilities, and similar features.

11.08.08 Building standards

(a) **Floor area.** The floor area of dwelling units is controlled by the density calculations established in s. 11.08.06. The minimum floor area of a dwelling unit is 650 square feet and the maximum floor area is 1,500 square feet. As a requirement of project approval, the developer shall record a deed restriction against each dwelling unit indicating that the size of the dwelling unit may not be increased after initial construction and that any vaulted space within a dwelling unit may not be converted into habitable space.

(b) **Entries and porches.** Each dwelling unit must include a covered porch fronting on the common area. The porch must have a minimum floor area of 80 square feet and not be less than 6 feet in width.

(c) **No-step entry.** To the extent possible, at least one entrance to a dwelling unit should be at grade (e.g., a no-step entry).

(d) **Exterior storage area.** Each dwelling unit must include a storage area, with a floor area of at least 10 square feet that is accessible from the exterior.

(e) **Maximum building height.** The maximum height of buildings is 18 feet if the roof pitch is less than 6:12 and 25 feet if the roof pitch is 6:12 or greater.

(f) **Minimum building separation.** Dwelling units shall maintain a minimum separation of 10 feet.

11.08.09 Architectural standards

(a) **Adoption of standards.** The developer must prepare a set of detailed architectural standards for all buildings within the project, including dwelling units, community buildings, and garages. Such standards must address exterior building materials, roof pitch, window style, articulation, and any other feature required by the Planning Commission. The standards must include a series of renderings depicting the architectural character of the buildings in the project.

(b) **Enforcement of standards.** The developer shall establish a mechanism, as approved by the Planning Commission, to ensure all buildings in the cottage housing project comply with the approved architectural standards adopted by the developer.

Exhibit 8-1. Housing Density

Size of Dwelling Unit (square feet)	Housing Units Allowed in Place of Each Single- Family Home Allowed by Zone
650 to 1,000	1.75
1,001 to 1,200	1.5
1,201 to 1,500	1.25

Note: The total number of housing units allowed is calculated and rounded up to the next whole number if the calculated number is 0.5 or higher and rounded down if it is less than 0.5. For example, if the calculated number of housing units is 5.75, the maximum number of units is 6.

11.08.10 Parking and garages

(a) **Parking requirements.** Parking requirements are based on the size of the housing units in the project as set forth in Table 8-2.

(b) **Garages.** Attached garages should front on an alley or on a public street where possible; fronting a public street may be considered if alleys are deemed inappropriate. Each dwelling shall have no more than one detached garage with a maximum floor area of 250 square feet. Garages may be combined into a shared garage structure, consisting of no more than 4 garages and no more than 1,000 square feet. Storage of items which preclude the parking of a vehicle in a garage is prohibited. Carports are not permitted in a cottage housing project.

(c) **Surface parking.** Surface parking must be provided for residents and guests in clusters of not more than 5 adjoining spaces. Clusters must be separated by at least 20 feet. Individual parking spaces may be located behind the principal structure when served by an alley. If the city allows on-street parking on streets abutting the project, such parking may satisfy surface parking requirements as determined by the Planning Commission.

Exhibit 8-2. Parking Requirements

Size of Dwelling Unit (square feet)	Parking Spaces
1,000 or less	1.5
More than 1,000	2.0

Notes: When the calculated number of total required parking spaces results in a fraction, the number is rounded up to the next whole number.

11.08.11 Community buildings

(a) **Generally.** A cottage housing project may contain one or more community buildings that are for the exclusive use of the residents and their guests. Such buildings must not be habitated in any manner and must be clearly incidental in use or size and related to the dwelling units in the project.

(b) **Maximum area.** The maximum area of any community buildings within a project shall not exceed an aggregate total of 2,500 square feet.

(c) **Ownership.** Any community building in a cottage housing project shall be commonly owned and maintained by the residents.

(d) **Design.** The roof pitch, architectural themes, exterior materials, and colors of any community building shall be consistent with the architectural standards established by the developer.

(e) **Obligation to construct.** If the developer is proposing to construct one or more community buildings as part of the project, the developer shall provide assurances to the satisfaction of the municipal attorney guaranteeing satisfactory completion of such buildings within the timeframe established in the approval.

11.08.12 Lot coverage

Impervious surfaces within the project site shall not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas shall not be counted in lot coverage calculations.

11.08.13 Screening

Screening must be provided around the perimeter of a cottage housing project to the extent deemed appropriate by the Planning Commission to ensure the project fits in with the character of the area.

11.08.14 to 11.08.30 Reserved

**DIVISION 2
TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

Sections

11.08.31	Generally
11.08.32	Legislative findings
11.08.33	Application and review procedures
11.08.34	Standards

11.08.31 Generally

A traditional neighborhood development is a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

11.08.32 Legislative findings

The Common Council makes the following legislative findings:

- (1) The state legislature required cities and villages with a population of at least 12,500 to adopt zoning regulations for traditional neighborhood development that are similar to the model ordinance developed by the University of Wisconsin System.
- (2) The City of Wisconsin Rapids adopted such regulations in March of 2011 in compliance with state law.

11.08.33 Application and review procedure

A traditional neighborhood development project is reviewed as a planned development district as set forth in Article 5.

11.08.34 Standards

The model ordinance for traditional neighborhood development published by the University of Wisconsin Extension pursuant to s. 66.1027(2), Wis. Stats., will serve as a nonexclusive guide to assist in defining various aspects of this form of urban design along with such other sources of guidance that the Planning Commission and Common Council may choose to consult.

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ARTICLE 9 FLOODPLAIN OVERLAY DISTRICT

Divisions

1. General provisions
2. Maps and districts
3. General provisions applicable to all floodplain districts
4. Floodway district
5. Reserved
6. Floodfringe district
7. General floodplain district
8. Administration
9. Nonconformities

DIVISION 1 GENERAL PROVISIONS

Sections

11.09.01	Authorization	11.09.04	Areas to be regulated
11.09.02	Legislative findings	11.09.05	Municipalities and state agencies regulated
11.09.03	Purpose		

11.09.01 Authorization

This article is adopted under authority granted by s. 62.23, Wis. Stats., and the requirements in s. 87.30, Wis. Stats.

11.09.02 Legislative findings

The Common Council makes the following legislative findings:

- (1) Uncontrolled development and use of the floodplains and rivers in the city would impair the public health, safety, convenience, general welfare, and tax base.
- (2) The requirements in this chapter relating to floodplain use and development are intended to comply with the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code and s. 44 CFR 59-72 which relates to the National Flood Insurance Program.

11.09.03 Purpose

This article promotes the public health, safety, and welfare and is intended to regulate floodplain development to:

- (1) protect life, health and property;
- (2) minimize expenditures of public funds for flood control projects;
- (3) minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) minimize business interruptions and other economic disruptions;
- (5) minimize damage to public facilities in the floodplain;
- (6) minimize the occurrence of future flood blight areas in the floodplain;
- (7) discourage the victimization of unwary land and homebuyers;
- (8) prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

11.09.04 Areas to be regulated

(a) **Generally.** This article regulates all areas within Wisconsin Rapids that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by the Wisconsin Department of Natural Resources. Base flood elevations (BFEs) are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH Zones on the flood insurance rate maps. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFEs) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) **Annexed areas.** The Wood County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

11.09.05 Municipalities and state agencies regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022, Wis. Stats., applies.

11.09.06 to 11.09.20 Reserved

**DIVISION 2
MAPS AND DISTRICTS**

Sections

11.09.21	Official floodplain maps	11.09.23	Locating floodplain boundaries
11.09.22	Establishment of floodplain zoning districts	11.09.24	Removal of lands from floodplain

11.09.21 Official floodplain maps

(a) **Generally.** The boundaries of all floodplain districts are designated as A, AE, AH, AO, or A1-30 on the maps based on the flood insurance study listed below. Any change to the base flood elevations or any change to the boundaries of the floodplain or floodway in the flood insurance study or on the flood insurance rate map must be reviewed and approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency through the letter of map change process (see s. 11.09.142) before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the Wisconsin Department of Natural Resources. These maps and revisions are on file in the office of the zoning administrator. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) **Official floodplain maps.** The following are adopted for the purpose of this article:

- (1) Flood insurance rate map (FIRM) panel numbers: 55141C0386G, 55141C0387G, 55141C0388G, 55141C0389G, 55141C0391G, 55141C0392G, 55141C0395G, 55141C0526G, 55141C0527G, and 55141C0531G dated February 17, 2010; with corresponding profiles that are based on the flood insurance study (FIS) dated February 17, 2010, Volume number 55141CV000A
- (2) If land is annexed and is not included in any of the above-mentioned flood insurance rate map panels, such panel is included in this chapter upon the date of annexation.

11.09.22 Establishment of floodplain zoning districts

The floodplain overlay district is divided into three districts as follows:

- (1) The Floodway District includes the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the flood insurance rate maps.

- (2) The Floodfringe District includes that portion between the regional flood limits and the floodway and displayed as AE Zones on the flood insurance rate maps.
- (3) The General Floodplain District includes those areas that may be covered by floodwater during the regional flood and does not have a base flood elevation or floodway boundary determined, including A, AH, and AO zones on the flood insurance rate maps.

11.09.23 Locating floodplain boundaries

(a) **Generally.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in this section. If a significant difference exists, the map shall be amended according to s. 11.09.142. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.

(b) **Criteria.** If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. Regional flood elevations or base flood elevations shall govern if there are any discrepancies. If flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(c) **Disputes.** If an applicant does not agree with the boundary determination made by the zoning administrator, he or she shall file an administrative appeal as provided for in Article 5. If the Zoning Board of Appeals determines, based on the criteria in this section, that the boundary location is incorrectly mapped, the board should inform the Planning Commission or the person contesting the boundary location to submit an application for a map amendment pursuant to the requirements and procedures in s. 11.09.142.

11.09.24 Removal of lands from floodplain

Compliance with the provisions of this division shall not be grounds for removing land from the floodplain unless (1) it is filled at least 2 feet above the regional flood elevation or base flood elevation, (2) the fill is contiguous to land outside of the floodplain, and (3) the map is amended pursuant to s. 11.09.142.

11.09.25 to 11.09.40 Reserved

DIVISION 3 GENERAL PROVISIONS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sections

11.09.41	General standards	11.09.44	Docks, piers, wharves, bridges, and similar structures
11.09.42	Hydraulic and hydrologic analyses	11.09.45	Floodproofing standards
11.09.43	Watercourse alterations	11.09.46	Public or private campgrounds

11.09.41 General standards

The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in s. 11.09.143. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

11.09.42 Hydraulic and hydrologic analyses

No floodplain development shall obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or cause any increase in the regional flood height due to floodplain storage area lost. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted flood insurance rate map or other adopted map.

11.09.43 Watercourse alterations

No floodplain permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the regional office of the Wisconsin Department of Natural Resources and the regional office of the Federal Emergency Management Agency, and required the applicant to secure all necessary state and federal permits. The standards in s. 11.09.42 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation and pursuant to s. 11.09.142, the city shall apply for a letter of map revision (LOMR) from the Federal Emergency Management Agency. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources through the letter of map correction (LOMC) process.

11.09.44 Docks, piers, wharves, bridges, and similar structures

Any development that requires a permit from the Wisconsin Department of Natural Resources under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning regulations are made according to s. 11.09.142.

11.09.45 Floodproofing standards

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan prepared by a certified by a registered professional engineer or architect or that meets or exceeds the following standards:

- (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (2) the bottom of all openings shall be no higher than one foot above grade; and
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to (1) withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors; (2) protect structures to the flood protection elevation; (3) anchor structures to foundations to resist flotation and lateral movement; (4) minimize or eliminate infiltration of flood waters; and (5) minimize or eliminate discharges into flood waters.

11.09.46 Public or private campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Wisconsin Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written

agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subsection (4) above - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Division 4, 6, or 7 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

11.09.47 to 11.09.60 Reserved

DIVISION 4 FLOODWAY DISTRICT

Sections

11.09.61	Applicability	11.09.63	Development standards
11.09.62	Permitted uses	11.09.64	Prohibited uses

11.09.61 Applicability

This division applies to all floodway areas on the floodplain zoning maps and those delineated pursuant to s. 11.09.124.

11.09.62 Permitted uses

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if they are not prohibited in the underlying zoning district, meet the development standards in this division; and the zoning administrator has issued a floodplain permit:

- (1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 11.09.63(d).

- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 11.09.63 and 11.09.64.
- (5) Extraction of sand, gravel, or other materials that comply with s. 11.09.63(d).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.
- (7) Public utilities, streets, and bridges that comply with s. 11.09.63(c).

11.09.63 Development standards

(a) **General standards.** Development shall have a low flood damage potential and shall not cause an obstruction or raise the flood elevations upstream and downstream as more fully described in s. 11.09.41. An applicant shall provide the following data to determine the effects of the proposal according to s. 11.09.42:

- (1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
- (2) An analysis calculating the effects of this proposal on regional flood height.

(b) **Structures.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) **Public utilities, streets and bridges.** Public utilities, streets and bridges may be allowed by permit, if adequate floodproofing measures are provided to the flood protection elevation, and construction meets the development standards of s. 11.09.42.

(d) **Fills or deposition of materials.** Fills or deposition of materials may be allowed by permit, if (1) the requirements of s. 11.09.42 are met; (2) no material is deposited in navigable waters unless a permit is issued by the Wisconsin Department of Natural Resources pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met; (3) the fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and (4) the fill is not classified as a solid or hazardous material.

11.09.64 Prohibited uses

Any use that is not listed in s. 11.09.62 is prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Admin. Code;

- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Admin. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Admin. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

11.09.65 to 11.09.80 Reserved

**DIVISION 5
RESERVED**

11.09.81 to 11.09.100

**DIVISION 6
FLOODFRINGE DISTRICT**

Sections

11.09.101	Applicability	11.09.103	Development standards
11.09.102	Permitted uses	11.09.104	Solid waste disposal

11.09.101 Applicability

This division applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 11.09.124.

11.09.102 Permitted uses

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 11.09.103 are met, the use is not prohibited by the underlying zoning regulations, and the zoning administrator has issued a floodplain permit.

11.09.103 Development standards

(a) **General standards.** Development shall not cause an obstruction or raise the flood elevations upstream or downstream as more fully described in s. 11.09.42.

(b) **Residential structures.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards.

- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 11.09.103(b)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except that in developments where existing street or sewer line elevations make compliance impractical, the zoning administrator may permit new development and substantial improvements where streets are below the regional flood elevation, if the municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles

during a regional flood event; or the municipality has an emergency evacuation plan as approved by the Wisconsin Department of Natural Resources.

(c) **Accessory structures or uses.** Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(d) **Commercial structures.** Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 11.09.103(b). Subject to the requirements of s. 11.09.103(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) **Manufacturing and industrial uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 11.09.45. Subject to the requirements of s. 11.09.103(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(f) **Storage of materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 11.09.45. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(g) **Public utilities, streets and bridges.** Utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 11.09.45. Minor streets or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(h) **Sewage systems.** Sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 11.09.45(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Admin. Code.

(i) **Wells.** Wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 11.09.45(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Admin. Code.

(j) **Deposition of materials.** Any deposited material must meet all the provisions of this article.

(k) **Manufactured homes.** Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities. In an existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse or move laterally during a flood. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 11.09.103(b).

(l) **Mobile recreational vehicles.** All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 11.09.103(k). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

11.09.104 Solid waste disposal

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

11.09.105 to 11.09.120 Reserved

**DIVISION 7
GENERAL FLOODPLAIN DISTRICT**

Sections

11.09.121	Applicability	11.09.123	Development standards
11.09.122	Permitted uses	11.09.124	Determining the extent of the floodway and floodfringe

11.09.121 Applicability

This division applies to those floodplains mapped as A, AO, or AH zones.

11.09.122 Permitted uses

Pursuant to s. 11.09.124, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses listed in s. 11.09.62 are permitted in the floodway and those uses listed in s. 11.09.102 are allowed in the floodfringe within the general floodplain district, according to the standards of s. 11.09.123, provided the zoning administrator has issued a floodplain permit consistent with this division.

11.09.123 Development standards

(a) The development standards in Division 4 apply to floodway areas and the standards in Division 6 apply to floodfringe areas. The rest of this article applies to either district.

(b) In AO and AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

- (1) at or above the flood protection elevation; or
- (2) 2 feet above the highest adjacent grade around the structure; or
- (3) the depth as shown on the flood insurance rate map.

(c) In AO and AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

11.09.124 Determining the extent of the floodway and floodfringe

(a) **Request for determination.** Upon receiving an application for development within the general floodplain district, the zoning administrator shall require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the flood insurance rate map and require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

- (1) A hydrologic and hydraulic study as specified in s. 11.09.143.
- (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
- (3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(b) **Determination.** The extent of the floodway and floodfringe shall be as determined by the Wisconsin Department of Natural Resources.

11.09.125 to 11.09.140 Reserved**DIVISION 8
ADMINISTRATION****Sections**

11.09.141	Certificate of compliance	11.09.144	Record of nonconforming uses and structures
11.09.142	Amendments		
11.09.143	Hydraulic and hydrologic studies	11.09.145	Public information

11.09.141 Certificate of compliance

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application for such certificate shall be concurrent with the application for a permit;
- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certificate signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued.
- (5) If the project involves floodproofing measures, the applicant shall submit a certificate signed by a registered professional engineer or architect stating that the requirements of s. 11.09.45 are met.

11.09.142 Amendments

(a) **Obstructions or increases.** Obstructions or increases may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles consistent with this section.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles, consistent with this section. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain maps, floodway lines, and water surface profiles, consistent with this section.

(b) **Generally.** The Common Council may change the floodplain overlay district boundaries and the text of this article pursuant to the requirements and procedures in Article 5. Actions requiring an amendment include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the flood insurance rate map;
- (3) Any changes to any other officially adopted floodplain maps listed in s. 11.09.22;
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;

- (6) Any upgrade to floodplain zoning regulations required by s. NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by the Federal Emergency Management Agency.

(c) **Flood easements.** A person petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

11.09.143 Hydraulic and hydrologic studies

(a) **Generally.** All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.

(b) **Zone A floodplains.** For projects located in a Zone A floodplain, the following provisions apply:

- (1) **Hydrology.** The appropriate method shall be based on the standards in s. NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- (2) **Hydraulic modeling.** The regional flood elevation shall be based on the standards in s. NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - (i) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - (ii) Channel sections must be surveyed.
 - (iii) Minimum 4-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - (iv) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - (v) The most current version of HEC-RAS shall be used.
 - (vi) A survey of bridge and culvert openings and the top of street is required at each structure.
 - (vii) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - (viii) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - (ix) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (3) **Mapping.** A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 - (i) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- (ii) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- (c) **Zone AE Floodplains.** For projects located in a Zone AE floodplain, the following provisions apply:
 - (1) **Hydrology.** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on s. NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - (2) **Hydraulic model.** The regional flood elevation shall be based on the standards in s. NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - (i) **Duplicate Effective Model.** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous flood insurance study model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the flood insurance study profiles and the elevations shown in the floodway data table in the flood insurance study report to within 0.1 foot.
 - (ii) **Corrected Effective Model.** The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Wisconsin Department of Natural Resources review.
 - (iii) **Existing (Pre-Project Conditions) Model.** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - (iv) **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - (v) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans, and survey notes.
 - (vi) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- (3) **Mapping.** Maps and associated engineering data shall be submitted to the Wisconsin Department of Natural Resources for review which meet the following conditions:
 - (i) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps, construction plans, bridge plans.
 - (ii) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the flood insurance rate map may be more easily revised.
 - (iii) Annotated flood insurance rate map panel showing the revised 1 percent and 0.2 percent annual chance floodplains and floodway boundaries.
 - (iv) If an annotated flood insurance rate map and/or flood boundary floodway maps and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System consistent with mapping specifications established by the Federal Emergency Management Agency.
 - (v) The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - (vi) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - (vii) Both the current and proposed floodways shall be shown on the map.

- (viii) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

11.09.144 Record of nonconforming uses and structures

- (a) **Nonconforming uses.** The zoning administrator shall maintain a list of those properties that contain a nonconforming use.
- (b) **Nonconforming structures.** The zoning administrator shall maintain a list of those properties that have a nonconforming structure. For every such structure, the following information shall be recorded:
- (1) present assessed value,
 - (2) cost of all modifications or additions which have been permitted, and
 - (3) percentage of the structure's total current value those modifications represent.

11.09.145 Public information

- (a) The zoning administrator shall place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data, and regulations shall be available and widely distributed.
- (c) Real estate transfers should show what floodplain district any real property is in.

11.09.146 to 11.09.150 Reserved

DIVISION 9 NONCONFORMITIES

Sections

11.09.151	General
11.09.152	Nonconformities in floodway district
11.09.153	Nonconformities in floodfringe district

11.09.151 General

(a) **Generally.** As used in this division, the words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements in Article 19. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 11.09.103(b)(3). The costs of elevating the lowest floor of a

nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 11.09.103(b)(3).

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50 percent of the present assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 11.09.103(b)(3).

(g) Except as provided in subsection (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(1) Residential.

- a. The lowest floor, including basement, is elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 11.09.45(b).
- b. The structure is anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.
- e. In AO Zones with no elevations specified, the lowest floor, including basement, meets the standards in s. 11.09.123(b).
- f. In AO Zones, adequate drainage paths around structures are provided on slopes to guide floodwaters around and away from the structure.

(2) Nonresidential structures.

- a. Shall meet the requirements of subsection (h)(1)a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 11.09.45(a) or (b).
- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 11.09.123(b).

(3) Historic structures. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 11.09.63(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 11.09.45 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 11.09.145(h) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

11.09.152 Nonconformities in the floodway district

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:

- (1) has been granted a permit or variance which meets all ordinance requirements;
- (2) meets the requirements of s. 11.09.151;
- (3) shall not increase the obstruction to flood flows or regional flood height;
- (4) any addition to the existing structure shall be floodproofed, pursuant to s. 11.09.45, by means other than the use of fill, to the flood protection elevation; and
- (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access, or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 11.09.45(c) and ch. SPS 383, Wis. Admin. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, s. 11.09.45(c) and chs. NR 811 and NR 812, Wis. Admin. Code.

11.09.153 Nonconformities in the floodfringe district

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 11.09.103 except where subsection (b) is applicable.

(b) Where compliance with the provisions of subsection (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Article 5, may grant a variance from those provisions of subsection (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if (i) no floor is allowed below the regional flood elevation for residential or commercial structures; (ii) human lives are not endangered; (iii) public facilities, such as water or sewer, shall not be installed; (iv) flood depths shall not exceed 2 feet; (v) flood velocities shall not exceed 2 feet per second; and (vi) the structure shall not be used for storage of materials as described in s. 11.09.103(g).

(c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 11.09.45(c) and ch. SPS 383, Wis. Admin. Code.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 11.09.45(c), and ch. NR 811 and NR 812, Wis. Admin. Code.

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**ARTICLE 10
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ARTICLE 11
SHORELAND-WETLAND OVERLAY DISTRICT

Sections

11.11.01	Legislative findings	11.11.06	Permitted activities
11.11.02	Purpose	11.11.07	Prohibited activities
11.11.03	Wetland functions	11.11.08	Nonconformities
11.11.04	Boundary of district		
11.11.05	Discrepancies between delineated wetlands and field conditions		

11.11.01 Legislative findings

The Common Council makes the following legislative findings relating to the shoreland-wetland overlay district:

- (1) Cities are required by s. 62.231, Wis. Stats., to adopt shoreland-wetland zoning regulations within 6 months after receipt of final wetland inventory maps prepared by the Wisconsin Department of Natural Resources.
- (2) The City of Wisconsin Rapids received such wetland inventory maps with a date of November 14, 1985.
- (3) The City of Wisconsin Rapids thereafter adopted shoreland-wetland regulations as required.
- (4) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

11.11.02 Purpose

This article promotes the public health, safety, and welfare and is intended to:

- (1) maintain the storm and flood water storage capacity of wetlands;
- (2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (4) prohibit certain uses detrimental to the shoreland-wetland area; and
- (5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

11.11.03 Wetland functions

In the context of this article, wetlands serve the following important functions:

- (1) storm and flood water storage capacity;
- (2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
- (4) shoreline protection against erosion;
- (5) fish spawning, breeding, nursery or feeding grounds;
- (6) wildlife habitat; or
- (7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

11.11.04 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of November 14, 1985 that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (3) were not legally filled before November 14, 1985 and cannot be classified as a wetland; (4) are not located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Article 9 of this chapter are used in determining the extent of the 100-year floodplain.

11.11.05 Discrepancies between delineated wetlands and field conditions

If the zoning administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, he or she shall contact the district office of the Wisconsin Department of Natural Resources and request a determination. If the Department determines that the area in question was incorrectly mapped as a wetland, this article shall not apply to such area. As soon as is practical after such determination, the zoning administrator shall submit an application to amend the zoning map consistent with the procedures and requirements in Article 5 of this chapter.

11.11.06 Permitted activities

(a) **No zoning permit required.** The following uses are allowed without issuance of a zoning permit, provided there is no wetland alteration:

- (1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
- (2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) the practice of silviculture, including the planting, thinning, and harvesting of timber;
- (4) the pasturing of livestock;
- (5) the cultivation of agricultural crops; and
- (6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, provided any wetland alterations comply with the specified terms:

- (1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- (2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- (3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
- (4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- (6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in s. 11.09.03; and
- (7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(b) **Permit required.** Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically provided below:

- (1) The construction and maintenance of streets which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the street cannot, as a practical matter, be located outside the wetland; (ii) the street is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in s. 11.09.03; (iii) the street is designed and constructed with the minimum cross sectional area practical to serve the intended use; (iv) street construction activities are carried out in the immediate area of the streetbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the street.
- (2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph shall be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of streets necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection b(1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in s. 11.11.03.

11.11.07 Prohibited uses

Any use not listed in this article as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

11.11.08 Nonconformities

Nonconforming structures and uses shall comply with the requirements in Article 19.

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ARTICLE 12 SHORELAND OVERLAY DISTRICT

Sections

11.12.01	Legislative findings	11.12.04	Vegetation management within shoreline buffer zone
11.12.02	Purpose	11.12.05	Shoreline setback
11.12.03	Boundary of district	11.12.06	Boathouses

11.12.01 Legislative findings

The Common Council makes the following legislative findings relating to the shoreland overlay district:

- (1) Cities are required by s. 62.233, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section.
- (2) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

11.12.02 Purpose

This article promotes the public health, safety, and welfare and is intended to:

- (1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- (2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- (3) control the placement of principal buildings by establishing setbacks from waterways; and
- (4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

11.12.03 Boundary of district

The shoreland overlay district includes land that was annexed by the city after May 7, 1982, and that is located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Article 7 of this chapter are used in determining the extent of the 100-year floodplain.

11.12.04 Vegetation management within shoreline buffer zone

(a) **Generally.** Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this section.

(b) **Removal of invasive species.** Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Planning Commission.

(c) **Viewing/access corridor.** The property owner may remove vegetation in the shoreline buffer zone to create and maintain a viewing/access corridor no more than 30 feet wide for every 100 feet of shoreline frontage.

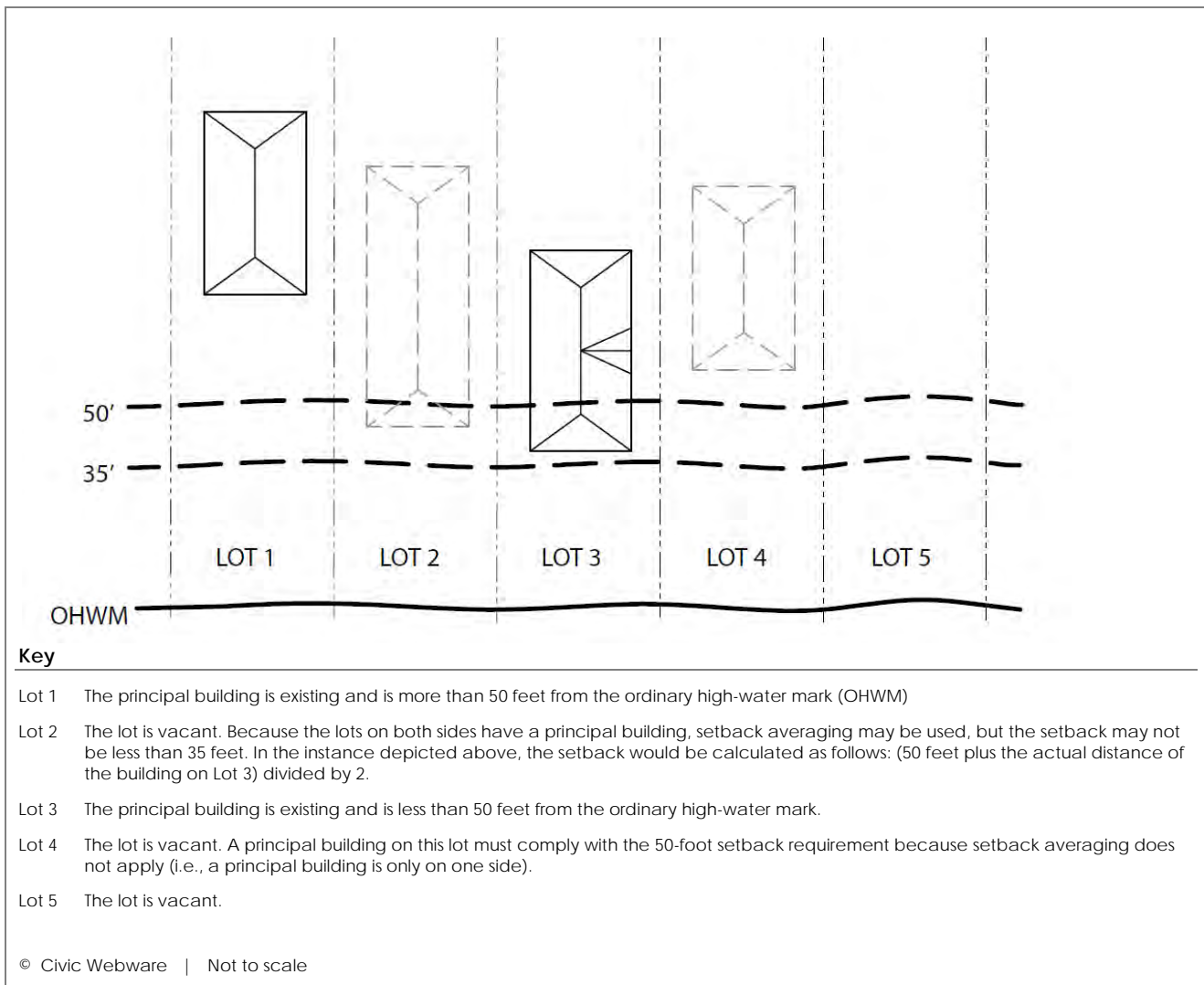
11.12.05 Shoreline setback

(a) **Principal buildings.** Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

- (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

(b) **Accessory buildings.** Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 35 feet of the ordinary high-water mark as set forth in s. 11.12.06.

Exhibit 12-1. Shoreline setback requirements



11.12.06 Boathouses

A boathouse if otherwise allowed may be constructed in the viewing/access corridor as allowed in s. 11.12.05.

ARTICLE 13
WELLHEAD PROTECTION OVERLAY DISTRICT

Sections

11.13.01	Legislative findings	11.13.04	Nonconforming uses
11.13.02	Boundary of district	11.13.05	Responsibility for contamination cleanup
11.13.03	Permitted land uses and activities		

11.13.01 Legislative findings

The Common Council makes the following legislative findings relating to the wellhead protection overlay district:

- (1) The residents of the City of Wisconsin Rapids depend exclusively on groundwater for a safe drinking water supply.
- (2) Certain land use practices and activities can seriously threaten or degrade groundwater quality.
- (3) The City has the authority to adopt regulations relating to wellhead protection under s. 62.23(7)(a) and (c), Wis. Stats.
- (4) Regulations in this chapter relating to wellhead protection are adopted to promote the public health, safety, and general welfare of city residents.

11.13.02 Boundary of district

The boundary of the wellhead protection overlay district extends from the center of a public wellhead for a distance of 1,200 feet in all directions. Such boundary is based on the wellhead protection plan dated October 10, 1996, and as amended January 3, 2008.

11.13.03 Permitted land uses and activities

(a) **Generally.** The land uses/activities listed in Exhibit 13-1 are permitted provided the various restrictions are maintained and the use/activity is otherwise allowed in the base zoning district under this code. All other uses are prohibited.

(b) **Amendment of this section.** Land uses that are prohibited pose a high risk of polluting the groundwater based upon the combined pollution experience of many individual uses, and the technology generally employed. As the technology of these prohibited uses change to low or non-risk materials or methods, the above list of permitted uses may be amended consistent with the procedures and requirements in Article 5. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

Exhibit 13-1. Permitted land uses and activities

Minimum separation between well and land use /activity [1]	Permitted land use/activity
none	Biking, hiking, skiing, nature, equestrian, and fitness trails
none	Public and private parks, playgrounds, beaches, provided such use is connected to a municipal sanitary sewer service if sanitary service is provided (holding tanks and on-site systems are not permitted)
none	Wildlife management, open space, and similar uses
none	Routine tillage, planting, and field management operations related to crop production provided (1) herbicides and pesticides are not applied to the ground surface, (2) animal waste is not applied to the ground surface, and (3) the combination of all other nutrient sources applied or available do not exceed those thresholds established or recommended by the Wood County Land & Water Conservation Department, or alternatively the Natural Resources Conservation Service (NRCS).
none	Multi-family dwelling units provided such use is connected to a municipal sanitary sewer service
none	Single-family dwelling on a lot consisting of 20,000 square feet or more and is connected to a private on-site sewage treatment system
none	Single-family dwelling on municipal sewer.
none	Above-ground liquid propane gas tanks for heating with a maximum capacity of 1,000 gallons
200 feet	Single-family residential fuel oil tank
50 feet	Storm sewer main
200 feet	Sanitary sewer main, sanitary sewer manhole, and sanitary lift station. A lesser separation distance may be allowed for sanitary sewer mains if the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
400 feet	Septic tank or soil adsorption unit receiving less than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
1,000 feet	Septic tank or soil adsorption unit receiving more than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
400 feet	Storm water drainage pond or conveyance facility
600 feet	Gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services or its designated agent under s. Comm 10.10, Wis. Admin. Code.
none	Institutional, commercial, and industrial land uses provided such use is connected to a municipal sanitary sewer service, except that the following are strictly prohibited: motor vehicle fuel stations, vehicle repair establishments, auto body repair, printing and duplicating businesses, facilities involving manufacturing or industrial processes, bus or truck terminals, repair shops of all types, solid waste disposal or handling facilities, wastewater treatment facilities, spray wastewater facilities, junk yards or auto salvage yards, bulk fertilizer and/or pesticide facilities, asphalt products manufacturing, dry cleaning businesses, salt storage, electroplating facilities, exterminating businesses, paint and coating manufacturing, hazardous and/or toxic materials storage, hazardous and/or toxic waste facilities, radioactive waste facilities, recycling facilities, cemeteries, underground storage tanks of any size, and any other use determined by the zoning administrator to pose a high-risk of polluting the groundwater.

Notes:

1. See s. NR 811.12, Wis. Admin. Code

11.13.04 Nonconforming uses

Land uses that were legally established, but do not comply with the regulations in this article are nonconforming and are subject to the requirements set forth in Article 19. In addition, the operator of a nonconforming use shall (1) provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City; (2) provide additional environmental or safety structures/monitoring as deemed necessary by the Common Council, which may include but is not limited to stormwater runoff management and monitoring; (3) replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence; and (4) prepare and submit a contingency plan satisfactory to the zoning administrator for the immediate notification of city officials in the event of an emergency.

11.13.05 Responsibility for contamination cleanup

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply shall immediately stop the release and clean up the contaminant to the satisfaction of the Common Council and other state and federal regulatory agencies. The individual/facility shall be responsible for all costs of cleanup, including those incurred by the City, which may include:

- (1) consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;
- (2) the cost of city employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city administrator representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
- (3) the cost of city equipment used in the response and cleanup; and
- (4) the cost of mileage reimbursed to city employees attributed to the cleanup.

The Common Council may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the Common Council may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

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ARTICLE 14 DOWNTOWN DESIGN OVERLAY DISTRICT

Sections

11.14.01	Legislative findings	11.14.09	Building elements extending into a public right-of-way
11.14.02	Purpose	11.14.10	Off-street parking and access
11.14.03	District boundaries	11.14.11	Landscaping
11.14.04	General compliance	11.14.12	Service areas and similar
11.14.05	Design guidance	11.14.13	Signs
11.14.06	Project review procedures	11.14.14	Utilities
11.14.07	Building setbacks		
11.14.08	Building design		

11.14.01 Legislative findings

The Common Council makes the following legislative findings:

- (1) Wisconsin Rapid's downtown area contains a variety of building types, many of which represent an architectural style characterized by attached storefronts.
- (2) Given the close proximity of buildings in the downtown, special rules and regulations are needed to protect and perpetuate the existing character of the area.
- (3) The standards in this article are not intended to discourage development but to encourage development that is functional, attractive, and context sensitive.

11.14.02 Purpose

This article is established to promote the public health, safety, and welfare and is intended to protect and perpetuate the general architectural style within the overlay district.

11.14.03 District boundaries

The location of the downtown design overlay district is depicted on the zoning map.

11.14.04 General compliance

Given the pattern of existing development in this overlay district and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the district to be consistent with all of the design standards specified in this article. Therefore, prior to any major work (herein described) the appropriate reviewing authority shall ensure that the proposed work is consistent with the intent of the design standards when considered as a whole.

11.14.05 Design guidance

In addition to the standards in this article, the architectural design guidelines in the "Downtown Waterfront Plan" may be used to the extent applicable.

11.14.06 Project review procedures

(a) **Minor work without prior approval.** The following work may proceed without prior approval, provided a building permit is issued if required:

- (1) residing with appropriate materials;
- (2) repair or replacement of windows, trim, and doors if new materials match existing;
- (3) installation or removal of door and window openings not visible from the primary street;
- (4) chimney reconstruction if completed with similar materials;

- (5) exterior cleaning, refinishing, and tuck-pointing; and
- (6) any other similar work as determined by the zoning administrator.

Prior to the commencement of any work, a property owner may ask the zoning administrator to review the proposed work to determine if it is classified as minor work and/or otherwise complies with the standards in this article.

(b) **Major work.** Any work not classified as minor work in this section shall be reviewed using the procedures specified below.

- (1) buildings - architectural review as described in Article 5
- (2) site work - site plan review as described in Article 5
- (3) demolition - site plan review as described in Article 5

Examples of major work includes relocation of an existing building, construction of a new building, addition to an existing building, alteration of a building elevation, alterations to windows, siding, entries, and trim, erection of new signs or modification of existing signs, changes to the site including parking, pedestrian circulation, and the like.

11.14.07 Building setbacks

The setback of buildings from street-yard and side-yard lot lines shall be compatible with existing buildings in the immediate area.

11.14.08 Building design

In addition to meeting the standards in Article 6, buildings shall comply with each of the following:

- (1) **Building height.** The height of a building shall not be more than two stories taller or more than one story shorter than the height of the adjoining building. In no event, shall the height of a building exceed the maximum building height established for the base zoning district in which the building is located.
- (2) **Building mass.** The mass of a building (i.e., relationship between façade height and width) shall be compatible with existing buildings in the immediate area.
- (3) **Special requirements for large buildings.** A building façade fronting on a public street with a frontage of 150 feet or more shall be designed to look like two or more individual building fronts. This may be achieved by using different building materials, facade articulations, or other design approach that gives the appearance of separate, but attached buildings.
- (4) **Horizontal rhythms.** The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building.
- (5) **Vertical rhythms.** The floor heights on main façades shall complement those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices, and sign bands shall be compatible in design and elevation with adjoining buildings in immediate area.
- (6) **Roof forms.** Flat or gently sloping roofs which are not visible from the street grade shall generally be used. Mansards or other exotic roof shapes are not characteristic of the district's character and are prohibited.
- (7) **Awnings.** The size, color, placement, and design of an awning should be complement the architectural character of the building on which it is located. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Awnings covered with shingles, metal roofing, or the like are prohibited. Backlit awnings are prohibited.
- (8) **Building materials.** Selected building materials shall be compatible with those of existing buildings in the immediate area which generally consist of natural materials such as stone, brick, and wood. Concrete masonry units (CMUs), corrugated metal, half-log siding, and vinyl siding are prohibited.

- (9) **Four-sided architecture.** All new construction must have four-sided architecture (i.e., having the same level of detail and materials used on all four sides of the buildings). If the proposed building has common walls with adjacent buildings, only the exposed building are required to provide four-sided architecture. In unique circumstances, the Planning Commission may waive the requirement if the site allows for less detail on one or more sides of the building.
- (10) **Entrances.** Entries must be clearly defined, accessible, and located to express visual interest along a street front. Primary entrances must be oriented to the primary street frontage.
- (11) **Street edge.** Unique building elements and architectural details used at the street level are encouraged so as to create a direct impact on the quality of the pedestrian experience resulting in an active and interesting street front.
- (12) **Transparency requirements.** Windows and exterior doors must occupy at least 50 percent of the ground floor façade. Dark, frosted, or tinted glass in ground floor windows facing a street is prohibited.

11.14.09 Building elements extending into a public right-of-way

Any part of a building (e.g., awnings, canopies, marquees) that extends into a public right-of-way must comply with the requirements in s. 11.06.143.

11.14.10 Off-street parking and access

- (a) **Placement.** Off-street parking should be located to the rear of the principal building, or on the side as a less preferable alternative.
- (b) **New curb-cuts.** New curb-cuts shall occur on the side streets rather than on a primary street.
- (c) **Screening.** Parking lots that are located on the side of a building should incorporate a screen to block the view of parked cars as generally depicted in Exhibit 14-1.

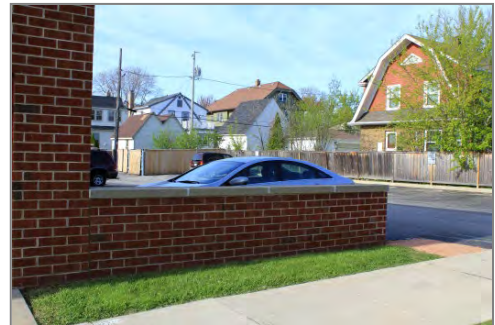
11.14.11 Landscaping

Landscaping as described in Article 16 is not required. If provided, landscaping should complement street trees and other streetscape elements in the public right-of-way.

11.14.12 Service areas and similar

Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, especially from the primary street.

Exhibit 14-1. An example of a parking lot screen



11.14.13 Signs

- (a) **Generally.** Signs should enhance the visual appeal of the district and its ability to attract the traveling public.
- (b) **Wall signs.** Wall signs should be designed to fit within the architectural space intended for signage.
- (c) **Compatibility.** Signs should be compatible with signs on adjoining buildings with respect to location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.

11.14.14 Utilities

Utility lines, such as telephone, electric, and cable, shall be installed underground, where feasible. Ground-mounted utility components, such as switch boxes and transformers, shall be screened by landscaping or a decorative wall and/or be located away from public view, especially from the primary street.

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ARTICLE 15 FENCING

Sections

11.15.01	Applicability	11.15.09	Fence materials
11.15.02	General requirements	11.15.10	Barbed wire
11.15.03	Prohibitions	11.15.11	Storage of materials prohibited
11.15.04	Measurement of height	11.15.12	Fences permitted without a permit
11.15.05	Obstruction of ingress/egress area of a dwelling	11.15.13	Nonboundary fences
11.15.06	Fences in commercial and industrial zoning districts	11.15.14	Dog enclosures
11.15.07	Fences in residential zoning districts	11.15.15	Maintenance
11.15.08	Minimum setbacks		

11.15.01 **Applicability**

The requirements in this article apply to existing fences and new fences.

11.15.02 **General Requirements**

All fences shall be installed in strict compliance with this article, site specific permit conditions, and the following requirements:

- (1) The owner or applicant shall be responsible for properly locating all property lines before construction of any fence. This requirement can be waived if it is clear that the fence will not encroach or overlap any property line.
- (2) Lot pins/markers shall not be tampered with when installing a fence. Any violations of this requirement shall be subject to the penalty provisions outlined in this code, and/or within state statutes.
- (3) No fence may be constructed or maintained (including those with sharp points or pickets) which is detrimental to human life or safety, or causes a traffic hazard.
- (4) Structural and support components of a fence shall face away from adjacent properties.
- (5) Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the fence posts must be located on the inside of the fence facing the property on which the fence is located.
- (6) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
- (7) The height of the fence shall be controlled by the applicable provisions of this article for the zoning district in which the fence will be located.

11.15.03 **Prohibitions**

The following are specifically prohibited:

- (1) A razor wire fence.
- (2) Any wire or chain link-type fence with the cut or salvage end of the fence exposed at the top.
- (3) A fence made of chicken wire or similar woven material, except when used for gardening type purposes.
- (4) Electric fences, except when used for gardening type purposes.
- (5) A fence which creates a hazard to users of the street, sidewalk, or to nearby property.
- (6) A fence composed solely of fence posts.

- (7) An incomplete fence, consisting only of posts and supporting members.

11.15.04 Measurement of height

Fence height is measured from the surface of the ground immediately below the fence to the top rail of the fence.

(a) **Height exceptions:**

Exception: Decorative posts at a minimum spacing of 24 inches may extend 6 inches above the maximum height.

Exception: To accommodate slopes and/or lawn maintenance up to 6 inches of ground clearance shall be allowed which will not contribute to the measurement of the maximum fence height.

Exception: Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.

The zoning administrator has the authority to grant height exceptions in cases where properties possess natural features (such as steep slopes and elevation changes) that create inconsistency with measurement of fence height.

11.15.05 Obstruction of ingress/egress area of a dwelling

No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of 3 feet shall be maintained between any solid fence and any such window or opening in a dwelling.

11.15.06 Fences in commercial and industrial zoning districts

(a) **Front yard.** In commercially or industrially zoned areas on interior lots with one frontage, fences, not exceeding 4 feet in height, shall be allowed within the front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line.

Exception: When establishments are required to provide screening, screening standards shall supersede this standard.

Exception: Front yard or corner side yard fences may be increased to a maximum height of 6 feet if open, decorative, ornamental fencing materials that are less than or equal to 50 percent opaque are used. Chain link or similar type fences are not considered decorative, ornamental fences.

Exception: Where adjacent properties are allowed to have a fence of 6 feet in height along a property line, because the property line is the side or rear property line for their lot, the owner of the other lot may erect a fence not to exceed 6 feet in height along the same area that the adjacent owner may erect a 6-foot high fence. However, the fence must meet all other requirements outlined in this chapter, including not interfering with vision triangles.

(b) **Side and rear yards.** No solid fence or wall shall exceed 8 feet in height in any side or rear yard. Fences not greater than 8 feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure.

Exception: When establishments are required to provide screening, screening standards shall supersede this standard.

(c) **Corner lots** In commercially or industrially zoned areas the maximum height of a solid fence or wall within a required front or corner side yard setback shall not exceed 6 feet, except that a fence or wall of up to 8 feet may be located within a corner side yard setback behind the rear plane of the principal building.

Exception: When establishments are required to provide screening, screening standards shall supersede this standard.

(d) **Double frontage lots** In commercially or industrially zoned areas, fences may not exceed a height of 8 feet within the required rear setback.

Exception: When establishments are required to provide screening, screening standards shall supersede this standard.

11.15.07 Fences in residential zoning districts

(a) **Front yard** In residentially zoned areas on interior lots with one frontage, fences, not exceeding 4 feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. If the fence is setback at or beyond the minimum required setback, fences may exceed the 4-foot height requirement, but shall not be higher than 6 feet.

Exception: Front yard or corner side yard fences may be increased to a maximum height of 6 feet if open, decorative, ornamental fencing materials that are less than or equal to 50 percent opaque are used. Chain link or similar type fences are not considered decorative, ornamental fences.

Exception: Where adjacent properties are allowed to have a fence of 6 feet in height along a property line, because the property line is the side or rear property line for their lot, the owner of the other lot may erect a fence not to exceed 6 feet in height along the same area that the adjacent owner may erect a 6-foot high fence. However, the fence must meet all other requirements outlined in this article, including not interfering with vision triangles.

(b) **Side and rear yards.** In residentially zoned areas on interior lots with one frontage, no solid fence or wall shall exceed 6 feet in height in any side or rear yard.

Exception: A fence of up to 8 feet in height may be constructed between a residential district and a commercial or industrial district.

(c) **Corner lots.** In residentially zoned areas, the maximum height of a solid fence or wall within a required front or corner side yard setback shall not exceed 4 feet, except that a fence or wall of up to 6 feet may be located within a corner side yard setback behind the rear plane of the principal building.

(d) **Double frontage lots.** In residentially zoned areas, fences may not exceed a height of 6 feet within the required rear setback.

11.15.08 Minimum setbacks

(a) **From public right-of-ways.** Fences must be a minimum of 2 feet from the public right-of-way property line or when abutting an alley.

(b) **From adjacent property lines.** Fences may be installed up to, but not across adjacent property lines.

Exception: If an existing building is located on an adjacent lot, 2 feet is the minimum distance in which the fence must be set back from the existing building.

Note: Property owners must maintain their fence(s) as noted in s. 11.15.16. Erecting a fence too close to a property line can make it hard to maintain both sides of the fence.

(c) **Vision clearance areas.** No fence or wall greater than 2 1/2 feet above the street grade shall be placed within the vision clearance area (shall meet the requirements of section 11.06.119 Vision triangle).

11.15.09 Fence materials

(a) **Generally.** A fence located in a side and/or rear yard shall be constructed of the following materials suitable for residential-style fencing, including:

- (1) brick or masonry
- (2) natural stone or fieldstone
- (3) wrought iron or steel
- (4) vinyl or similar synthetic material

- (5) chain link (with a minimum thickness of nine (9) gauge and a required top rail support)
- (6) wood or wood composite

No fence shall be constructed of used or discarded materials in disrepair, including pallets, tree trunks, trash, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.

(b) **Agricultural/farm fences** Agricultural/farm fences shall only be permitted in agriculturally zoned or used districts and shall not exceed 6 feet in height.

11.15.10 Barbed wire

No person shall construct, use or maintain any barbed wire fence on residential zoned property. Barbed wire fences may be installed in manufacturing zoning districts under circumstances whereby no more than 3 strands of barbed wire are horizontally situated above a fence of boards or woven wire not less than 72 inches in height, excluding the barbed wire. In all other zoning districts, pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to permit barbed wire on fences not less than 72 inches in height, when they determine the use to be in the best interest of the health, safety, and welfare of the public. Notwithstanding the above, barbed wire shall not be used along a property line abutting a residentially zoned area.

11.15.11 Storage of materials prohibited

No materials shall be stored on or between a fence located adjacent to a property line.

11.15.12 Fences permitted without a permit

The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:

- (1) Snow fencing shall be permitted in all districts not exceeding 4 feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.
- (2) Fences used for the protection of excavation and construction sites and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit.
- (3) Decorative fences not exceeding 2 feet in height shall be permitted in all districts. Such fences shall not be placed in any manner that presents a hazard to pedestrians on any public or private sidewalk.
- (4) Underground electrical fences are permitted in all districts.
- (5) Garden fencing shall be allowed without a permit, but it shall not exceed a height of 6 feet, shall not be located closer than 3 feet to any property line, and shall not be more than 10 percent opaque. Fencing shall be limited to the gardening area.

11.15.13 Nonboundary fences

Fences and/or enclosures for swimming pools shall be permitted as required in s. 303.2 of the municipal code. Fences surrounding tennis courts, and baseball and/or softball field backstops, or similar type facilities may be erected in conformance with accepted industry standards. A fence permit shall be required for such installation.

11.15.14 Dog enclosures

Dog enclosures are permitted in residential zoning districts subject to the following requirements:

- (1) A dog enclosure shall be obscured from view from neighboring properties at grade and adjacent streets with a solid fence. Existing structures (e.g., sheds, garages) may be used to obscure view.
- (2) A dog enclosure must be located in the buildable area directly behind and adjacent to the principal building. In no event shall a dog enclosure encroach into a required setback or be located closer to a corner or interior side -property line than the principal building.

- (3) No dog enclosure shall be more than 250 square feet in area, nor more than 6 feet in height above the surface of the ground, as measured from the ground level at the lowest grade level within 5 feet of either side thereof.
- (4) A dog enclosure shall be constructed on a hard surface.
- (5) A dog enclosure may be constructed of any material permitted for a residential fence.
- (6) A dog enclosure shall comply with all vision clearance area requirements.

11.15.15 Maintenance

The property owner is responsible for maintaining fences on their property in good repair and in a structurally sound condition. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. Fences shall also comply with the property maintenance regulations adopted by the city (Chapter 36 of the municipal code).

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ARTICLE 16 LANDSCAPING AND BUFFERYARDS

Divisions

1. General provisions
2. Bufferyards
3. Landscaping

DIVISION 1 GENERAL PROVISIONS

Sections

11.16.01	Legislative findings	11.16.07	Credit for preserving existing trees and shrubs
11.16.02	Purpose	11.16.08	General design and placement guidelines
11.16.03	Applicability	11.16.09	Plant diversity
11.16.04	Landscape plan	11.16.10	Maintenance
11.16.05	Description of landscape points and classification of plants	11.16.11	Use of low-water-adaptive vegetation
11.16.06	Specifications for landscape materials	11.16.12	Berms

11.16.01 Legislative findings

The Common Council makes the following legislative findings:

- (1) A healthy environment is an indication of a healthy community.
- (2) Landscaping helps to maintain and increase property values, which helps to protect public and private investment in a community.
- (3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.
- (4) Landscaping helps to reduce the “heat-island” effect by shading parking lots, streets, and other hard-surfaced areas.
- (5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.
- (6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.
- (7) Xeriscape planting techniques help promote water and energy conservation.
- (8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

11.16.02 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

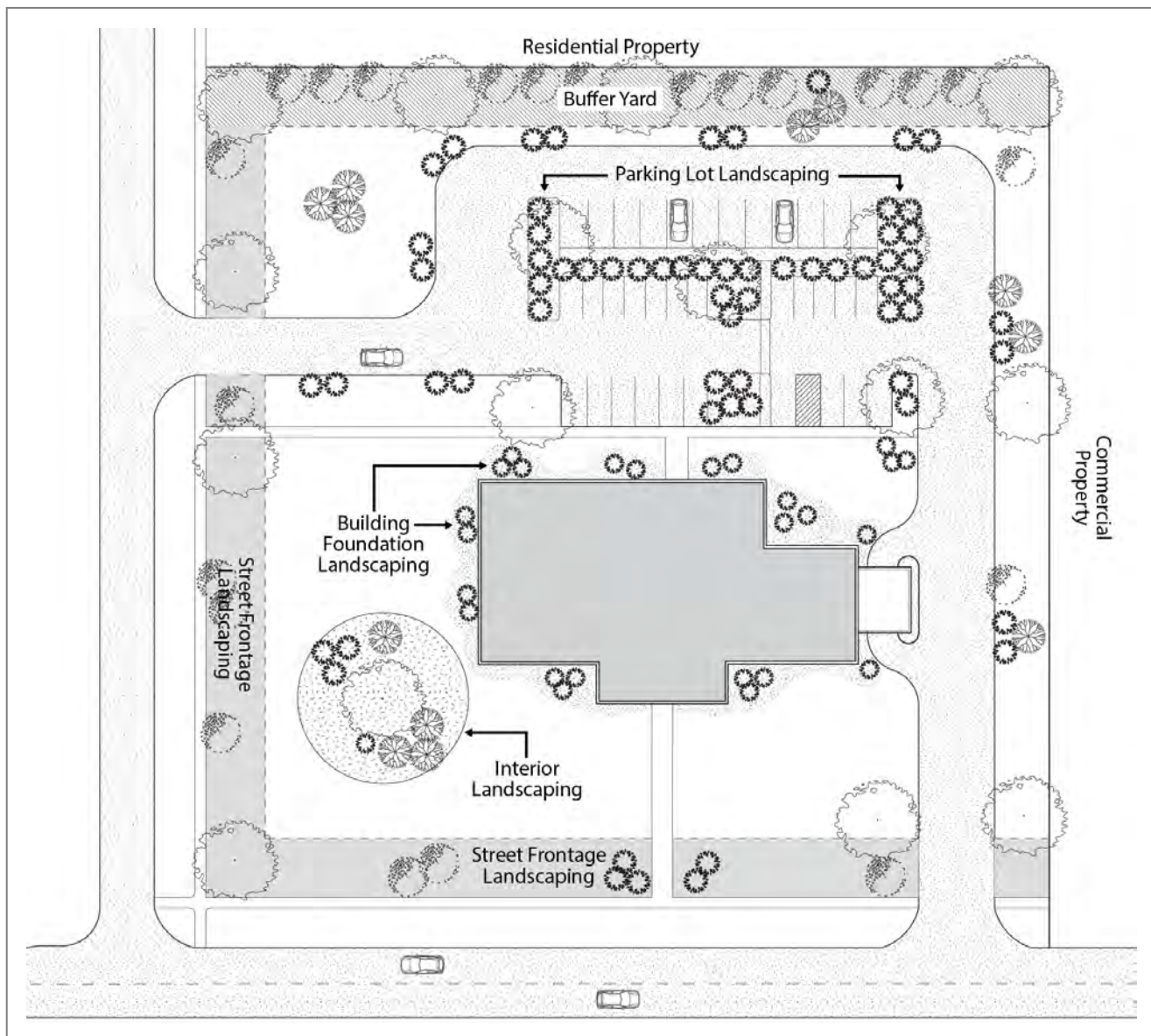
- (1) make Wisconsin Rapids more attractive and aesthetically pleasing;
- (2) provide flexible standards where possible, rather than overly prescriptive requirements;
- (3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;
- (4) Improve the aesthetic appearance of the built environment;
- (5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;

- (6) create aesthetically pleasing tree-lined streetscapes;
- (7) promote economic development by providing a high quality of life;
- (8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and
- (9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

11.16.03 Applicability

The provisions of this article apply to different areas as generally depicted in Exhibit 16-1.

Exhibit 16-1. General applicability of landscape and bufferyard requirements



11.16.04 Landscape plan

A landscape plan shall consist of a completed worksheet as may be used by the zoning administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing shall be drawn at the same scale as the site plan drawing.

11.16.05 Description of landscape points and classification of plant species

(a) **Generally.** The required level of landscape plants is stated in terms of landscape points. As shown in Exhibit 16-2, a different number of points are assigned to each of the plant categories depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. Species generally suitable for use in northern Wisconsin are listed and those native to the state are denoted.

(b) **Plants not listed.** The species list in Exhibit 16-2 is not meant to be exhaustive. Therefore, the zoning administrator shall review proposals for, and the applicability of, species not contained in this list, and is authorized to approve appropriate similar species using "A guide to selecting landscape plants for Wisconsin" as a guide.

(c) **Prohibited plants.** Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency shall not be planted and shall not be used to meet the requirements of this article.

(d) **Plant hardiness.** Selected plants should be hardy in the area where they are planted (Zone 4a or 4b).

Exhibit 16-2. Classification of plants

Type and point value	Botanical name	Common name
Tall deciduous trees (30 points) (40-100 feet)	<i>Acer</i> spp.	maple: red [1], silver [1], sugar [1]
	<i>Celtis occidentalis</i>	Hackberry [1]
	<i>Fraxinus</i> spp.	ash [2]
	<i>Ginkgo biloba</i>	Ginkgo (female only)
	<i>Gleditsia triacanthos</i>	honey locust [1]
	<i>Gymnocladus dioica</i>	espresso Kentucky coffeetree
	<i>Quercus</i> spp.	oak: red [1], white [1], pin, bur [1]
	<i>Tilia</i> spp.	linden: basswood [1], redmond, silverleaf
	<i>Ulmus</i> spp.	American, accolade, cathedral, new horizon (hybrids only)
Medium deciduous trees (15 points) (30-40 feet)	<i>Aesculus glabra</i>	Ohio buckeye
	<i>Betula</i> spp.	birch: river [1], paper [1]
	<i>Phellodendron amurense</i> 'Macho'	Macho amur corktree
	<i>Prunus</i> spp.	cherry: choke [1], pin [1]
	<i>Prunus Mackii</i>	amur chokecherry
Low deciduous trees (10 points) (15-30 feet)	<i>Amelanchier</i> spp.	serviceberry
	<i>Crataegus</i> spp.	hawthorn: cockspur [1], dotted [1], downy [1], Washington
	<i>Malus</i> spp.	crabapple spp.
	<i>Sorbus</i> spp.	mountain ash: European, showy [1]
	<i>Prunus americana</i>	American plum
	<i>Ostrya virginiana</i>	Ironwood
Tall evergreen trees (40 points)	<i>Abies concolor</i>	white fir
	<i>Picea</i> spp.	Spruce: Norway, white
	<i>Pinus</i> spp.	pine: red [1], white [1], Scots
	<i>Tsuga canadensis</i>	Canada hemlock
Medium evergreen trees (20 points)	<i>Thuja occidentalis</i>	American arborvitae
Low evergreen trees (12 points)	<i>Juniperus</i> spp.	juniper: mountbatten, redcedar [1]
	<i>Thuja</i> spp.	arborvitae: pyramidal, techny
Tall deciduous shrubs (5 points)	<i>Cornus</i> spp.	dogwood: gray [1], pagoda, red [1]
	<i>Rhus</i> spp.	sumac: smooth [1], staghorn [1]
	<i>Syringa</i> spp.	lilac: Chinese, hyacinth
	<i>Viburnum</i> spp.	viburnum: arrowwood, wayfaringtree, nannyberry [1]
Medium deciduous shrubs (3 points)	<i>Corylus americana</i>	American filbert, hazelnut
	<i>Cotoneaster</i> spp.	cotoneaster
	<i>Forsythia</i> spp.	forsythia: border, early, weeping
	<i>Rosa</i> spp.	rose: Virginia, rugosa
Low deciduous shrubs (1 point)	<i>Berberis thunbergii</i>	Japanese barberry
	<i>Spiraea</i> spp.	spirea: froebel, snowmound
Medium evergreen shrubs (5 points)	<i>Juniperus chinensis</i>	juniper: Pfitzer
	<i>Taxus</i> spp.	yew: Japanese
Low evergreen shrubs (3 points)	<i>Juniperus</i> spp.	juniper: sargent, creeping, andorra

Notes:

1. Native to Wisconsin
2. Only those species that are not susceptible to the emerald ash borer may be used
3. See "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865 for more plants.
4. The above table may include plants that are not suitable for Zones 4a or 4b.

11.16.06 Specifications for landscaping materials

(a) **Generally.** All plant material shall be healthy, vigorous, and free of disease and insects.

(b) **Minimum planting size.** Trees and shrubs shall meet the minimum planting size established in Exhibit 16-3. Further, trees and shrubs shall meet the specifications contained in the most current edition of *American Standard for Nursery Stock* for the corresponding planting size.¹

(c) **Turf.** Turf areas may be sodded or seeded. In areas subject to erosion, sod shall be used. Sod shall be commercially grown and clean and free of weeds, noxious pests, and diseases.

(d) **Mulch.** Where mulch is used as a ground treatment, it shall be applied to a maximum depth of 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth.

11.16.07 Credit for preserving existing trees and shrubs

(a) **Generally.** Landscape plantings as required by this article may be satisfied in whole, or in part, by preserving existing trees and shrubs on the subject property.

(b) **Allocation of credits.** An existing tree shall be credited based on its size as shown in Exhibit 16-4. An existing shrub shall be credited on a one-for-one basis regardless of size.

(c) **Location of trees and shrubs.** A tree eligible for credit shall be located within 10 feet of a required bufferyard or parking lot to which the credit is to be applied or within the street terrace. A shrub eligible for credit shall be located within the area to which the credit is to be applied.

(d) **Condition of trees to be used as credit.** In order to use an existing tree or shrub as credit, the following conditions shall be satisfied:

- (1) The area within the critical root radius (1.5 feet for every diameter inch or 6 feet away from the tree trunk, whichever is greater), shall be preserved in its natural state or covered with pervious landscape material and shall be retained at original grade with no trenching, cutting of any roots, or compaction of soil.
- (2) Prior to the commencement of any land-disturbing activity and during the life of the construction project, a temporary barrier shall be placed around the tree at the drip line or 6 feet away from the tree trunk, whichever is greater. Such barrier may consist of a plastic mesh or snow fence with poles not more than 15 feet apart.
- (3) The existing stock shall not be damaged from skinning, barking, and the like.
- (4) The existing stock shall be healthy and free from disease, damage, and active insect infestation potentially lethal to the tree.
- (5) The species is one of the plant species listed in Exhibit 16-2.

11.16.08 General design and placement guidelines

(a) **Random placement.** To the extent possible, plants shall be

Exhibit 16-3. Minimum planting size

Plant category	Minimum planting size
Tree	
Tall deciduous tree	1½" caliper
Medium deciduous tree	1½" caliper
Low deciduous tree	¾" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	36" tall
Medium deciduous shrub	24" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

Exhibit 16-4. Allowable tree credits

Caliper of existing tree	Number of trees credited
2 inches up to 6 inches	1
6 inches up to 12 inches	2
12 inches up to 16 inches	3
16 inches and greater	4

Exhibit 16-5. Minimum separation from specified objects

	Tree	Shrub
Driveway	10'	6'
Fire hydrant	8'	6'
Utility pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	30'	30'

¹ Commentary: This publication is published by the American Nursery & Landscape Association and is an approved American national standard (ANSI Z60.1-2004).

randomly placed so as to give a natural appearance.

(b) **Planting beds.** Where required, shrubs shall be placed in planting beds with mulch.

(c) **Proximity to specified features.** Trees and shrubs shall be separated from driveways, fire hydrants, utility poles, and utility pedestals and cabinets as listed in Exhibit 16-5.

(d) **Proximity to overhead utility lines and the like.** Trees and shrubs shall not be placed where they will require frequent pruning in order to avoid interference with overhead utility lines, buildings, or other structures.

(e) **Placement within vision triangle.** Landscaping within a vision triangle shall be consistent with the standards in s. 11.06.118.

(f) **Integration with natural amenities.** When a site abuts a natural amenity such as a stream, park, or other open space, the landscape plan shall integrate with, and respect the natural integrity of the amenity.

(g) **Integration with stormwater facilities.** Detention and retention ponds shall be designed to be physically, functionally, and visually integrated into adjacent landscape areas.

(h) **Snow storage.** Landscape plants should not be located in areas reserved for snow storage, except when such plants are salt-tolerant and will not be otherwise damaged.

11.16.09 Plant diversity

(a) **Tree species.** The maximum number of required trees in the same genus shall comply with the proportions established in Exhibit 16-6. For example, if three tree species are required, a species in three different genera must be used (e.g., *Quercus* - oaks, *Acer* - maples, *Pinus* - pines).

(b) **Shrub species.** It is recommended that the proportion of required shrubs and ground cover follow the standards established in Exhibit 16-6, except that different species within the same genus may be used.

Exhibit 16-6. Plant diversity requirements and recommendations

Required number of plants	Maximum proportion of tree species in same genus	Recommended proportion of same species for shrubs
11 to 20	30%	25%
21 to 30	25%	20%
31 to 40	20%	15%
41 to 50	15%	10%
51 and more	10%	10%

11.16.10 Maintenance

(a) **Generally.** All landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris.

(b) **Responsibilities.** The current landowner shall be responsible for maintaining the vegetation, irrigation system, screening devices, and other landscape components as may be required by this article.

(c) **Maintenance practices.** Maintenance shall consist of regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage shall be treated as appropriate.

(d) **Replacement, generally.** Plant materials which were planted as required by this article or which were used as a credit and which die or are irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this article.

(e) **Replacement following a natural disaster.** Plant materials that were planted as required by this article or which were used as a credit and which die or are irreparably damaged due to a natural disaster, such as area-wide flooding or high wind, shall, within 2 years of such event, be removed and replaced with plant materials consistent with the approved landscape plan or as required by this article. With just cause, the Common Council may on a case-by-case basis grant an extension of 2 additional years upon written request, or pass a resolution granting a blanket extension to all affected properties in the city.

(f) **Staking.** It is recommended that stakes and cables used to support a tree be removed within 24 months of planting.

11.16.11 Use of low-water-adaptive vegetation

The use of low-water-adaptive vegetation should be incorporated into landscape designs to the extent possible. When the total amount of landscaping in a project, excluding terrace areas, exceeds 5,000 square feet, at least

30 percent of the required vegetation shall be low-water-adaptive vegetation and planted in one or more groupings.

11.16.12 Berms

- (a) **Maximum slope and form.** In order to facilitate maintenance and efficient irrigation water usage, a berm shall not exceed a slope of 3:1 (i.e., for every 3 feet of horizontal run the vertical height is one foot). A berm shall be graded to appear as a curvilinear, naturalistic form.
- (b) **Construction.** A berm shall be compacted during the construction process so as to minimize settling.
- (c) **Stabilization.** A berm shall be covered with turf or mulch along with required plant materials.
- (d) **Effect on stormwater flow.** A berm may not be designed or placed so as to divert the normal flow of stormwater to the detriment of surrounding properties.
- (e) **Placement with respect to existing trees and shrubs.** No portion of a berm shall be placed within the critical root zone (1.5 feet for every diameter inch) of a tree.
- (f) **Placement within vision triangle.** A berm located within a vision triangle must comply with the standards in s. 11.06.118.

11.16.13 to 11.16.20 Reserved

DIVISION 2 BUFFERYARDS

Sections

11.16.21	General description	11.16.23	General provisions
11.16.22	Applicability	11.16.24	Determination of required bufferyard

11.16.21 General description

A bufferyard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses.

11.16.22 Applicability

- (a) **Generally.** A buffer yard shall be required at the time of development along the side and rear lot lines of the lot being developed when it abuts another lot in a different zoning district and when the lot being developed was:
 - (1) created by a land division of any type approved after August 1, 2018,
 - (2) rezoned to another zoning classification after August 1, 2018.
- (b) **Conditional use.** As a condition of approving a conditional use, the Planning Commission may require that a bufferyard be incorporated into the project's overall design. The standard imposed shall be based on the degree of incompatibility between the adjoining use and the conditional use.
- (c) **Dual responsibility.** When two adjoining parcels are vacant and they are located in different zoning districts, one half of the required bufferyard shall be located on each parcel (i.e., one half of the required width and one half of the required plants).
- (d) **Single responsibility.** When a vacant parcel adjoins a developed parcel and each are located in different zoning districts, the bufferyard shall be located on the vacant parcel.

11.16.23 General provisions

- (a) **Relationship of fencing and plantings.** When a fence or berm is used in conjunction with plantings, one-half of the required number of landscape points shall be planted between the fence or berm and the property line.

(b) **Use of bufferyard.** A bufferyard shall be undeveloped, except that the zoning administrator may allow the following in a bufferyard:

- (1) an unpaved fire lane,²
- (2) utility boxes and cabinets when necessary,
- (3) a paved bicycle/pedestrian path or a paved sidewalk when necessary to allow for proper on-site and off-site pedestrian circulation,
- (4) a paved vehicular access between the adjoining parcels provided it is located in the least intrusive location and is located generally perpendicular to the property boundary line,
- (5) stormwater management facilities, and
- (6) other structures and features deemed compatible by the administrator.

If a utility easement is located along the property boundary line where a bufferyard is also required, the width of the easement may be used to satisfy the width requirement of the bufferyard, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

(c) **Multi-use developments and mixed use.** For multi-use developments on a single lot, the use nearest the property line shall determine the bufferyard requirement for that area. For mixed uses (two or more uses in the same structure), the higher intensity use shall be used to determine the bufferyard requirement.

(d) **Recording of easement.** The bufferyard shall be shown on the face of the final plat or certified survey map (CSM) with the following narrative:

"The bufferyard(s) shown on the face of this [plat /certified survey map] was established to comply with Section 11.16.## of Wisconsin Rapids' zoning code in effect at the time of approval. A bufferyard shall not be developed or used, except in conformance with Article 16 of the zoning code, and the property owner shall be responsible for maintaining a level of landscaping that meets the bufferyard requirements in effect at the time of filing of this [plat /certified survey map]. This bufferyard may only be removed by the Wisconsin Rapids Planning Commission consistent with Article 16."

(e) **Longevity.** Bufferyards shall be maintained in perpetuity. However, the Planning Commission may terminate a bufferyard when (1) the parcel containing the bufferyard is rezoned to the same zoning classification as the adjoining parcel or (2) when the adjoining parcel is rezoned to the same zoning classification as the parcel with the bufferyard. Such termination shall reference the original document depicting the bufferyard and be recorded with the register of deeds for Wood County.

(f) **Ownership.** When a bufferyard is required in a subdivision, it shall be held in common by a homeowners association or shall be incorporated into the adjoining lots.

² Commentary: A number of products have been introduced in recent years that allow grass to grow in a plastic-type mesh that is capable of supporting a fire truck.

Exhibit 16-7. Standards for a bufferyard between different zoning districts

Other zoning district	Zoning district allowing the greatest intensity or density												
	C-1	RR	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	B-5	M-1	M-2
C-1	-	-	-	-	-	-	-	-	-	-	-	-	-
RR		-	-	A	A	A	B	B	B	B	C	D	
R-1			-	A	A	A	B	B	B	B	C	D	
R-2				A	A	A	B	B	B	B	C	D	
R-3					-	-	B	A	A	A	C	D	
R-4						-	B	B	B	B	C	D	
R-8							B	B	B	B	C	D	
B-1								-	-	-	B	D	
B-2									-	-	B	D	
B-3										-	B	D	
B-5											B	D	
M-1												-	
M-2													-

Zoning Districts

C-1 Conservancy; RR Rural Residential; R-1 Single-Family Residential; R-2 Mixed Residential; R-3 Multi-Family Medium Density Residential ; R-4 Multi-Family High Density Residential; R-8 Manufactured Home Park; B-1 Downtown Commercial; B-2 Highway Commercial; B-3 Neighborhood Commercial; B-5 Mixed Use Commercial; M-1 General Industrial; M-2 Heavy Industrial

Notes:

1. A dash "-" means that a bufferyard is not required.
2. For A, B, C, and D see Exhibit 16-8 for the width of the bufferyard and related landscaping requirements.

11.16.24 Determination of required bufferyard

The determination of a bufferyard requirement is a two-step process as follows:

Step One – Identification of required bufferyard standard. The required bufferyard standard is determined using Exhibit 16-7. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a bufferyard is required, a letter will be shown in that cell. If the parcel being developed adjoins land in the town, that municipality's zoning classification that most closely corresponds to the city's zoning classification is used to determine bufferyard requirements.

Step Two – Identification of detailed bufferyard requirements. In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping point, berm, and fence combinations are possible as listed in Exhibit 16-8. The requirements shall be provided for each 100 feet or fraction thereof. Different landscaping point options may be used along the length of a bufferyard, provided no such segment is less than 100 feet.

Exhibit 16-8. Detailed bufferyard requirements

				Example schematic [2]	
A	Width	Points per 100 feet	Required fence or berm [1]		
A-1	8'	150	Fence [3,4,5]	A-4	
A-2	10'	200	-		
A-3	15'	150	-		
A-4	20'	125	-		
B					
B-1	15'	100	Fence [3,4,5]	B-3	
B-2	15'	300	-		
B-3	20'	200	-		
B-4	25'	150	-		
B-5	30'	125	-		
C					
C-1	15'	100	Fence [3,4,5]	C-3	
C-2	15'	350	-		
C-3	20'	250	-		
C-4	25'	200	-		
C-5	30'	175	-		
C-6	30'	125	4' berm		
D					
D-1	20'	200	Fence [3,4,5]	D-1	
D-2	25'	325	-		
D-3	30'	275	-		
D-4	35'	250	-		
D-5	40'	200	-		
D-6	40'	150	4' berm		

Notes:

1. A dash "-" means not applicable.
2. All schematics are intended to be illustrative.
3. Maximum height allowed controlled by Article 15.
4. When a fence is used, at least 50 percent of the required plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. If at the time of development, there is a fence on the adjoining property, this planting requirement shall not apply.
5. When a fence is used to enclose an activity or storage area, a fence may not be used in the bufferyard.

11.16.25 to 11.16.40 Reserved

DIVISION 3 LANDSCAPING

Sections

11.16.41	Applicability	11.16.44	Parking lot landscape requirements
11.16.42	Street frontage landscape requirements	11.16.45	Lot interior landscape requirements
11.16.43	Building foundation landscape requirements		

11.16.41 Applicability

The provisions of this division apply to the following:

- (1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;
- (2) expansion of a principal building that is subject to this division by 500 square feet or more; and
- (3) expansion of a parking area.

11.16.42 Street frontage landscape requirements

(a) **Minimum amount required.** A minimum of 60 landscape points shall be provided along a public street right-of-way on a prorated basis for every 100 linear feet of frontage.

(b) **Placement on lot.** Plants required by this section shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way.

(c) **Use of various plant types.** Only tall, medium, and low trees may be used for street frontage plantings. The following trees shall not be used as street trees because of undesirable traits (e.g., weak wood, form, fruit/nut litter):

- (1) silver maple,
- (2) box elder,
- (3) butternut,
- (4) black walnut,
- (5) any other tree so designated by the zoning administrator.

A minimum of 50 percent of the required landscape points shall be devoted to tall deciduous trees and a minimum of 30 percent of the points shall be devoted to medium deciduous trees.

Exhibit 16-9. An example of a foundation planting



11.16.43 Building foundation landscape requirements

(a) **Minimum amount required.** A minimum of 40 landscape points shall be provided on a prorated basis for every 100 feet of building foundation perimeter. For example, a building with a perimeter of 180 feet must provide a minimum of 72 landscape points $((180/100) \times 40) = 72$.

(b) **Placement on lot.** Plants required by this section shall be placed so that, at maturity, the dripline of each plant is generally located within 10 feet of the building foundation. As a general rule, plants shall be distributed around the entire perimeter of the building. Such landscaping shall not be located in those areas required for landscaping as street frontages or parking areas.

(c) **Use of various plant types.** Tall and medium trees shall not be used to meet building foundation landscape requirements. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances, such as ground-mounted HVAC units and utility boxes.

(d) **Anticipated future development.** Where an approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the

portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then such requirement shall be met within 5 years of building permit issuance, or as extended in writing by the zoning administrator.

11.16.44 Parking lot landscape requirements

(a) **Minimum amount required.** A minimum of 100 landscape points shall be provided on a prorated basis for every 10,000 square feet of paved area. For example, a minimum of 303 landscape points are required within a parking area consisting of 25,200 square feet (approximately 63 stalls) as follows: $((25,200/10,000)*100)=252$.

(b) **Use of various plant types.** A minimum of 60 percent of all landscape points shall be devoted to tall trees and a minimum of 20 percent of all points shall be devoted to shrubs.

(c) **Placement within a landscaped area.** A minimum of 325 square feet of landscaped area shall be located within the perimeter of the paved area for the placement of every 100 landscape points, or fraction thereof.

(d) **Bioretention areas.** Bioretention areas that are used to treat stormwater runoff from parking areas should be integrated into landscape areas as may be required in this section.

11.16.45 Lot interior landscape requirements

Interior landscaping is not required. However, if it is not possible to install some of the landscaping required in this division, such points may be installed as interior landscaping.

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**ARTICLE 17
PARKING AND LOADING FACILITIES**

Sections

11.17.01	Legislative findings	11.17.04	Accessible parking and passenger loading
11.17.02	Purpose	11.17.05	Off-street loading berths
11.17.03	Off-street parking	11.17.06	Bicycle parking

11.17.01 Legislative findings

The Common Council makes the following legislative findings:

- (1) The design of parking areas is critically important to the economic viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability.
- (2) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.
- (3) Excessively large parking lots reduce density, increase the cost of development, create an unhealthy built environment, contribute to the heat island effect associated with urban areas, and decrease the infiltration of storm water into the ground.
- (4) Special standards are needed to accommodate the needs of the disabled.
- (5) Shared parking can reduce parking facility costs (including aesthetic and environmental impacts), allows greater flexibility in facility location and site design, and encourages more efficient land use.
- (6) Parking lots and their access represent a vital connection between the local transportation network and land uses.
- (7) Incorrectly designed parking lots and site access can have negative impacts on the site itself, the adjacent and nearby public roadways, and the image of the business community.

11.17.02 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

- (1) increase the safety and capacity of public streets by requiring off-street parking and off-street loading facilities,
- (2) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods,
- (3) lessen congestion and prevent the overtaxing of public roads by regulating the location and capacity of off-street parking and off-street loading facilities,
- (4) maintain and enhance a safe and efficient transportation system,
- (5) minimize the occurrences of motor vehicles backing into public roads,
- (6) encourage bicycle use by providing adequate and safe facilities for the storage of bicycles, and
- (7) minimize impervious surfaces.

11.17.03 Off-street parking

- (a) **Applicability.** The off-street parking requirements in this article apply as follows:

- (1) **New construction.** A new use shall comply with the off-street parking requirements.
- (2) **Change in use.** When an existing use is changed to another permitted use with a higher parking demand and the required number of parking spaces for the new use is less than 125 percent of the number of existing spaces, additional spaces are not required.
- (3) **Expansion of existing use.** When an existing use is enlarged and the required number of parking spaces is more than 125 percent of the number of existing spaces, the expanded use shall comply.

- (4) **Repaving/Reconstruction.** When more than 10 percent of an existing off-street parking area is repaved or reconstructed only the following sections shall apply.
- 11.17.03(h) Surfacing
 - 11.17.03(i) Marking of parking spaces
 - 11.17.03(j) Drainage
 - 11.17.03(l) Landscaping; specifically, 25 percent of the total Parking lot landscape requirements shall be met
 - 11.17.03(q) Dimensional Standards
 - 11.17.03(w) Stormwater Management
 - 11.17.04 Accessible parking and passenger loading
- (b) **General design principles.** Parking areas shall be designed based on the following principles:
- (1) Provide continuous flow of traffic through the parking area.
 - (2) Allow safe movement of pedestrians from parking to buildings.
 - (3) Avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian circulation shall take precedence over vehicular circulation.
 - (4) Allow for appropriate landscaping of parking areas without conflicting with outdoor lighting.
 - (5) Ensure that site facilities and amenities are accessible to people with disabilities as required by this article and the Americans with Disabilities Act (ADA).
 - (6) Ensure that emergency service vehicles are able to travel through parking areas, including fire trucks (having a curb-to-curb turning radius of 40 feet) and tow trucks (having a curb-to-curb turning radius of 47 feet with a car in tow).
 - (7) Minimize impervious surfaces.
 - (8) Allow for the logical expansion of parking areas to accommodate different land uses or an expansion of an existing use.
 - (9) Ensure that the stormwater generated on the site is accommodated consistent with city requirements.
- (c) **Proximity of parking to principal use.** Parking spaces required by this article shall be located on the same lot with the principal use, except as provided in this subsection. When required parking spaces cannot be located on the same lot, parking spaces may be located on a different lot provided the parking spaces are located in the same zoning district. Parking for nonresidential uses shall not be located more than 500 feet from the lot with the principal use. Parking for residential uses shall not be located more than 300 feet from the principal entrance of the residential building. If required off-street parking is to be provided off-site, the use of such site shall be secured with a permanent agreement acceptable to the city attorney and recorded in the office of the Wood County register of deeds. The City of Wisconsin Rapids shall be named in that agreement as a party having the right of enforcement.
- (d) **Location of parking on a lot.** In commercial and industrial zoning districts, parking may be located in any yard provided such spaces and aisles are located (1) at least 5 feet from another property in a commercial or industrial zoning district, except when such lots are developed with a joint parking lot and there is a cross-access easement in place, (2) at least 15 feet from the side lot line or rear lot line of a property in a residential zoning district, and (3) at least 5 feet from the front lot line. In a residential zoning district, parking for a multi-family building with three or more dwelling units may be located in the side or rear yards provided such spaces and aisles are located at least 5 feet from any property boundary line. Parking is only allowed in the front yard for single-family dwellings, duplex, and twinhomes when on a driveway. For off-street parking areas existing prior to the adoption of this code, existing use of the right-of-way shall only be permitted in conjunction with a right-of-way use agreement and appropriate barriers.
- (e) **Accessibility.** Parking spaces shall be accessible at all times from a street, an alley, or a driveway intended to serve such parking. No parking area consisting of 2 or more parking spaces shall be designed as to require a motor vehicle to back into a public street, except for single-family dwellings, twinhomes, and 2-unit multi-family units.

(f) **Use of parking spaces.** Off-street parking areas shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles in a parking area is prohibited, unless otherwise allowed in this chapter. In addition, the use of an off-street parking area for overnight camping, including recreational vehicle camping, is prohibited.

(g) **Pedestrian routes in a parking area.** When a pedestrian circulation route crosses a vehicular route, a crosswalk shall be provided to improve pedestrian safety (Exhibit 17-1).

(h) **Surfacing.** An off-street parking area (i.e., spaces and aisles) shall be hard surfaced (e.g., pervious concrete, asphaltic concrete, pavers, or similar product), except for those land uses listed as agriculture or resource-based in Appendix A which may be surfaced with crushed gravel.

The Plan Commission may authorize as a special exception alterations to parking lot and driveway surfacing for the following or similar type of uses and accessory uses: campground, group recreation camp, commercial stable, outdoor entertainment, community garden, park, recreation trail, and composting facility.

The special exception surface alterations shall follow the following standards where applicable:

- a. Gravel/granite shall be permitted on a lot and not within the setbacks as described below. Areas within the right-of-way and required setback shall be surfaced with asphalt bituminous, concrete, or dustless material approved by the Zoning Administrator.
 1. Front yard: 10 feet
 2. Side yard: 5 feet
 3. Rear yard: 5 feet
- b. A minimum gravel layer 4 inches thick shall exist.

If it is not possible to hard surface the parking area between November 1 and April 1, the city building inspector may issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.

(i) **Marking of parking spaces.** Parking spaces within an off-street parking area shall be clearly marked, except for single-family dwellings, two-family dwellings, twin homes, and townhouses.

(j) **Drainage.** An off-street parking area shall be properly graded for drainage.

(k) **Snow storage.** Required parking spaces and access aisles shall not be used for snow storage. Areas used for snow storage shall be clearly depicted on the site plan if snow will be stored on site.

(l) **Landscaping.** Landscaping for an off-street parking area must be provided consistent with the requirements set forth in Article 16.

(m) **Electric charging station.** One or more electric charging stations may be included in the parking lot design. If charging stations are not installed at the time of construction, underground conduits to potential charging stations should then be installed to lessen installation costs when a station is added at a later date.

(n) **Signage.** Signage related to off-street parking and on-site traffic circulation must comply with the requirements set forth in Chapter 46 of the municipal code.

(o) **Outdoor lighting.** Outdoor lighting within a parking area must be provided consistent with the requirements set forth in Article 18.

(p) **Screening.** When a parking area with 5 or more parking spaces adjoins a property in a residential zoning district, a 4-foot screen (e.g., landscaping, berm, fence, or any combination) shall be installed and maintained.

(q) **Dimensional standards.** Parking spaces, except for handicapped parking; access aisles; and other features in a parking area shall conform to the dimensions in Exhibit 17-2.

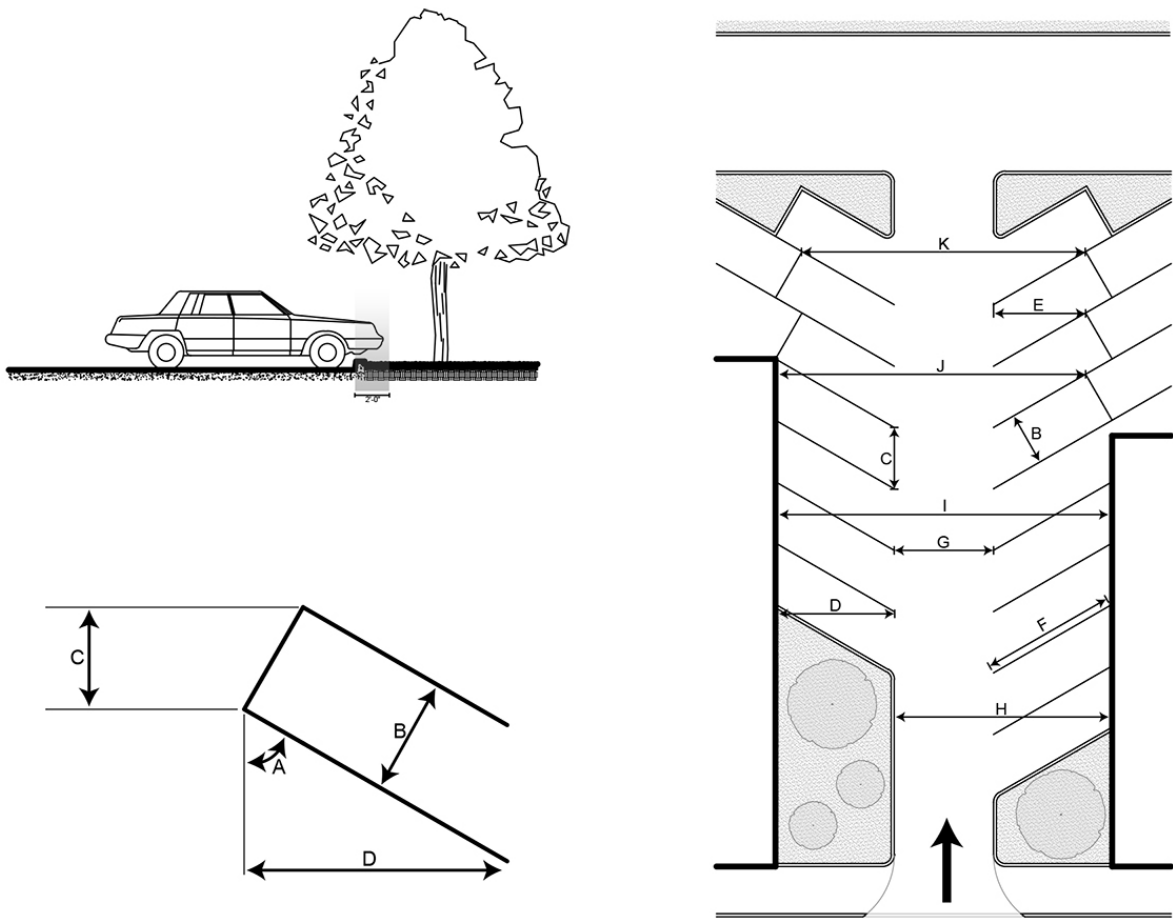
Exhibit 17-1. A pedestrian crosswalk in the parking lot of a fast food restaurant



Exhibit 17-2. Parking area dimensional standards

		Parking angle - A				
		0°	45°	60°	75°	90°
B	Stall width at parking angle	9.0 ft.	9.0 ft.	9.0 ft.	9.0 ft.	9.0 ft.
C	Stall width parallel to access aisle	17.0 ft.	12.7 ft.	10.4 ft.	9.3 ft.	9.0 ft.
D	Stall depth to wall	9.0 ft.	17.5 ft.	19.0 ft.	19.5 ft.	18.5 ft.
E	Stall depth to interlock	--	15.3 ft.	17.5 ft.	18.8 ft.	--
F	Stall length	18.0 ft.	18.0 ft.	18.0 ft.	18.0 ft.	18.0 ft.
G	Aisle width one-way	12.0 ft.	12.0 ft.	16.0 ft.	17.2 ft.	24.0 ft.
H	Module width – wall to wall (single-loaded)	21.0 ft.	29.5 ft.	35.0 ft.	42.5 ft.	44.5 ft.
I	Module width – wall to wall (double-loaded)	30.0 ft.	47.0 ft.	54.0 ft.	62.0 ft.	63.0 ft.
J	Module width – wall to interlock (double-loaded)	--	44.8 ft.	52.5 ft.	61.3 ft.	--
K	Module width – interlock to interlock (double-loaded)	--	42.6 ft.	51.0 ft.	60.6 ft.	--

Stall reduction for landscaped areas. When a parking space abuts a landscape island or planter, the front 2 feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided.



(r) **Minimum number of spaces.** Off-street parking spaces shall be provided in the number specified in Appendix B, except as follows:

- (1) Land uses located in the downtown zoning (B-1) district are not required to provide off-street parking.
- (2) When bicycle parking is provided consistent with this article, bicycle parking spaces may be used to satisfy the number of required parking spaces up to a maximum of 4 percent provided the number of required parking spaces is 25 or more. For example, if the parking standards as applied to a project call for 100 vehicle parking spaces, no more than 4 bicycle parking spaces may be substituted (96 vehicle parking spaces and 4 bicycle parking spaces).
- (3) Pursuant to the procedures and requirements in Article 5, the Planning Commission may authorize the use of a lesser parking standard for a particular land use as a special exception provided sufficient evidence is provided that shows actual off-street parking demand for that use is less than the standard set forth in Appendix B.

(s) **Maximum number of spaces.** For land uses located in a business, mixed-use, or industrial zoning district, the number of parking spaces provided in a ground surface parking lot shall not exceed the number of minimum parking spaces by more than 15 percent, except that the Planning Commission may allow more parking spaces above that threshold as a special exception pursuant to the procedures and requirements in Article 5 provided the commission determines that additional spaces are needed for that particular use or location. There shall be no limitation on the number of parking spaces when located in a parking garage or similar structure.

(t) **Mixed-use requirements.** For mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various land uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except when considered shared parking as allowed in this article.

(u) **Compact cars.** Up to 10 percent of the required number of parking spaces may be sized for compact cars. A compact vehicle parking space shall be so designated by a sign or other means approved by the city building inspector.

(v) **Shared parking.** There may be instances where two or more land uses could share the same parking facilities as shown in Exhibit 17-3. The zoning administrator may, upon written petition, authorize the joint use of parking facilities required by such uses, provided:

- (1) the applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- (2) the parking facility for which joint use is proposed is located within 500 feet of the building or use required to provide parking;
- (3) directional signage is provided where appropriate and allowed; and
- (4) pedestrian routes are direct, clear, and safe.

Exhibit 17-3. Examples of uses that could potentially share a parking area

Land uses with typical weekday peaks	Land uses with typical evening peaks	Land uses with typical weekend peaks
Banks	Auditoriums	Religious institutions
Schools	Bars and dance halls	Parks
Distribution facilities	Meeting halls	Malls (some types, but not all)
Factories	Restaurants (some types, but not all)	
Medical clinics	Movie theaters	
Offices		
Professional services		

The parties involved in the joint use of off-street parking facilities shall document their agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this part, shall be recorded in the office of the Wood County register of deeds and a copy filed with the zoning administrator.

(w) **Stormwater management.** A parking area with over 3,000 square feet of impervious surface shall be designed to prevent direct drainage to the street.



11.17.04 Accessible parking and passenger loading

(a) **Generally.** Accessible parking spaces shall be provided subject to this part; the Americans with Disability Act (ADA), as may be amended; and the *ADA Standards for Accessible Design* 28 CFR 36, revised as of July 1, 1994 as may be amended.

(b) **Number required.** If parking spaces are required, then accessible spaces shall be provided in addition to the required number of regular spaces in the quantity as shown in Exhibit 17-4. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

(c) **Location.** Accessible spaces serving a particular building shall be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with near-by parking, accessible spaces shall be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

(d) **Dimensions.** Accessible parking spaces shall be at least 96 inches wide.

(e) **Vertical clearance.** For van-accessible parking spaces, a 98-inch high clearance shall be maintained above the space, access aisle, and on the route to and from the van-accessible space.

(f) **Maximum slope.** Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.

(g) **Signage.** Each accessible space shall be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces shall be so designated with a sign indicating "Van Accessible." Such signs shall be located so they cannot be obscured by a vehicle parked in the space (at least 6 feet in height).

(h) **Pavement striping and markings.** The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.

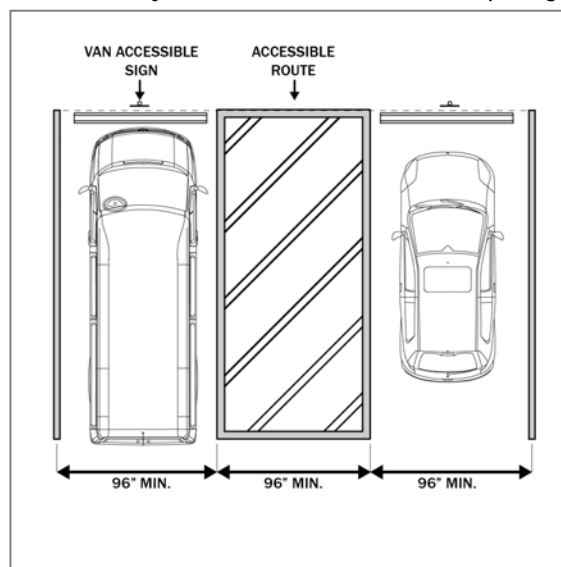
(i) **Accessible route.** An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It shall be at least 36 inches wide, without steps or curbs. It shall be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual.

(j) **Access aisle.** An access aisle for an accessible space shall be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access aisle (Exhibit 17-5). An access aisle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

Exhibit 17-4. Minimum number of accessible parking spaces

Number of required parking spaces	Number of additional accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

Exhibit 17-5. Layout of standard and van accessible parking

**11.17.05 Off-street loading berths**

(a) **Generally.** Off-street loading berths are required for new buildings and building expansions with any use that receives deliveries or makes shipments from large trucks including retail stores, manufacturing, warehousing, processing, offices, health care centers, and schools.

(b) **Dimensional standards.** A loading berth shall comply with the dimensional standards in Exhibit 17-6. The minimum vertical clearance also applies to all areas providing access to the loading berth.

(c) **Location.** A loading berth shall not be located on the front of the building, except when entirely located within the building and the access door is integrated into the overall design of the building. A loading berth shall not be located within a required side yard setback area. A loading berth shall not be located within a public road right-of-way or interfere with the intended use of a public road right-of-way. A loading berth or access to a loading berth shall not interfere with onsite traffic or pedestrian circulation or on-site parking.

(d) **Surfacing.** A loading berth shall be hard surfaced (e.g., pervious concrete, asphaltic concrete, pavers, or similar product). If it is not possible to hard surface a loading berth between November 1 and April 1, the city building inspector may issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.

(e) **Marking.** A loading berth shall be clearly marked.

(f) **Use.** A loading berth shall only be used for loading and unloading of vehicles.

(g) **Drainage.** A loading berth shall be graded for proper drainage.

(h) **Outdoor lighting.** Outdoor lighting for a loading berth shall comply with the requirements set forth in Article 18.

(i) **Screening.** The reviewing authority may require screening (e.g., landscaping, berm, fence, or any combination) when the use of the loading berth has the potential of negatively impacting adjoining residential uses.

(j) **Minimum number of loading berths.** Those buildings subject to this section shall provide one or more loading berths as specified in Exhibit 17-7.

Exhibit 17-6. Dimensions of loading berths by type

Type	Minimum width	Minimum length	Minimum overhead clearance
Small berth	10 feet	25 feet	14 feet
Large berth	12 feet	50 feet	14 feet

Exhibit 17-7. Minimum number of loading berths

Floor area	Minimum number of loading berths
6,000 to 12,499 square feet	1 small berth
12,500 to 24,999 square feet	2 small berths
25,000 to 39,999 square feet	1 large berth
40,000 to 99,999 square feet	2 large berths
100,000 square feet or more	2 large berths plus 1 large berth for each additional 80,000 square feet over 100,000 square feet

11.17.06 Bicycle parking

(a) **Generally.** Bicycle parking may be provided consistent with the recommended standards contained in Exhibit 17-8.

Exhibit 17-8. Recommended number of bicycle parking spaces

Land use	Number of recommended spaces
Primary or secondary school	10 percent of the number of students, plus 3 percent of the number of employees
College or university	6 percent of the number of students, plus 3 percent of the number of employees
Dorms, fraternities, sororities	1 space per 3 students
Shopping mall	5 percent of the number of required vehicle parking spaces
Office	5 percent of the number of required vehicle parking spaces
Governmental	10 percent of the number of required vehicle parking spaces
Movie theater	3 percent of the number of required vehicle parking spaces
Restaurant	3 percent of the number of required vehicle parking spaces
Manufacturing / industrial	3 percent of the number of required vehicle parking spaces
Other	3 to 7 percent of the number of required vehicle parking spaces

(b) **Location.** Bicycle parking shall be located in visible and prominent locations near the building entrance and shall be as close, or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the building entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking shall be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by an awning, overhang, or similar covering. Racks shall not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.

(c) **Design.** Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.

(d) **Accessibility.** Each bicycle parking space shall be accessible without moving another bicycle. In most circumstances, a space 2 feet by 6 feet is adequate. When needed, an aisle at least 5 feet wide shall be provided. (Exhibit 17-9)

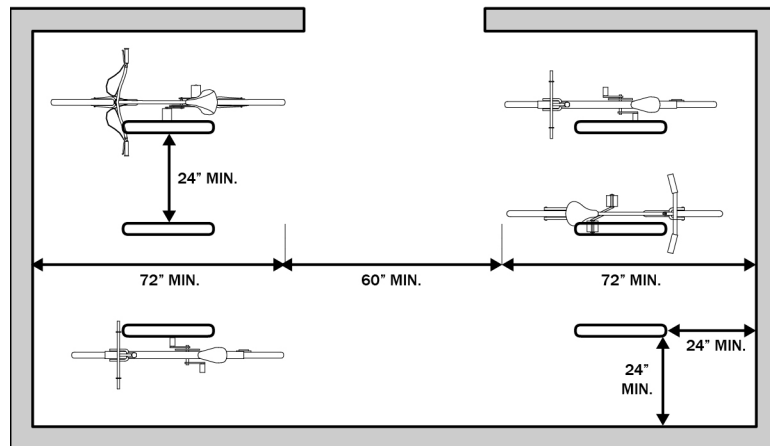
(e) **Lighting.** Bicycle parking spaces shall have adequate lighting to promote security and avoid vandalism and theft.

(f) **Rack design.** Bicycle parking may be provided in floor, wall, or ceiling mounted racks. Racks should meet the following requirements:

- (1) The rack holds the bicycle frame, not just a wheel.
- (2) A U-shaped shackle lock can be used to secure the bicycle to the rack.
- (3) The rack is designed to accommodate a wide range of bicycle sizes, wheel sizes, and types.
- (4) The rack is covered with material that will not chip the paint off of a bicycle that leans against it.
- (5) The rack does not have hazards, such as sharp edges.

The rack is securely fastened to the ground, a wall, or other solid surface.

Exhibit 17-9. Layout of bicycle parking spaces



ARTICLE 18 OUTDOOR LIGHTING

Sections

11.18.01	Legislative findings	11.18.04	General requirements
11.18.02	Compliance	11.18.05	Special provisions for security lights
11.18.03	Exemptions	11.18.06	Lighting plan

11.18.01 Legislative findings

The Common Council makes the following legislative findings relating to outdoor lighting:

- (1) Light pollution would detract from the character of the City of Wisconsin Rapids.
- (2) Excessive lighting wastes energy.
- (3) Glare from nonvehicular light sources can pose a threat to the safety of drivers and pedestrians.
- (4) Light trespass can intrude on the enjoyment of private property.
- (5) The regulations in this chapter relating to outdoor lighting are intended to provide nighttime safety, utility, security, and productivity.
- (6) Regulations in this chapter relating to outdoor lighting are adopted to promote the public health, safety, and general welfare of city residents.

11.18.02 Compliance

All outdoor lighting, except lighting that is specifically exempted in s. 11.18.03, must comply with this article as applicable and all applicable building and electrical codes. If any project increases the number of existing luminaires on a property by 25 percent or more, all existing luminaires on such property shall be made to comply with this article or be removed.

11.18.03 Exemptions

The following types of outdoor lighting are exempt from this article:

- (1) Street lights located within a public right-of-way.
- (2) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency situation.
- (3) The lighting of flags of the United States, State of Wisconsin, City of Wisconsin Rapids, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.
- (4) Holiday lighting.
- (5) Lighting on towers when required by a regulating authority.
- (6) Airport lighting when required by a regulating authority.
- (7) Underwater lighting used for the illumination of swimming pools and fountains.

11.18.04 General requirements

- (a) **Overhead lines prohibited.** Electrical feeds for outdoor lighting must be run underground, not overhead.
- (b) **Parking lot lights.** A lighting standard in a parking area must be placed (1) at least 5 feet outside of the paved area, (2) within a landscape island, (3) on a concrete pedestal that is at least 24 inches but not more than 36 inches high above the pavement, or (4) protected by other means as may be approved by the Planning Commission or zoning administrator.
- (c) **Canopy lights.** Canopy lights for a vehicle fuel station must be recessed or shielded so that no light source is visible from or causes glare on a public right-of-way or adjacent property.

(d) **Lighting in bufferyards.** Light poles must not be placed within a required bufferyard, except for pedestrian lighting along a sidewalk or other pedestrian way.

(e) **Specific standards.** Outdoor lighting must be designed to comply with the standards in Table 18-1. Examples of cutoff luminaires are depicted in Exhibit 18-1 and key features of a parking lot are depicted in Exhibit 18-2.

Table 18-1. Specific lighting requirements

	Single family, duplex, and twin home	Multi-family (3 or more dwelling units)	Commercial, industrial, and institutional	Athletic fields and public outdoor venues
Fixture type [1,2]	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	No limitation
Light trespass [3,4]	The intensity of illumination projected onto another property shall not exceed 0.1 footcandle.	The intensity of illumination projected onto another property shall not exceed 0.1 footcandle.	The intensity of illumination projected onto a residential property shall not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property shall not exceed 0.1 footcandle and 0.5 footcandles on a commercial, industrial, or institutional use
Maximum height of freestanding luminaire [5]	35 feet or more from the property boundary line – 15 feet [6] 27 feet or more but less than 35 feet from the property boundary line – 12 feet [6] Less than 27 feet from the property boundary line – 9 feet [6]	Parking lots – 25 feet Pedestrian lighting – 12 feet	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district (Exhibit 18-2) Pedestrian lighting – 12 feet	No limitation
Maximum lighting levels [8]	No limitation	Zone 1 - 100,000 lumens per acre Zone 2 – 50,000 lumens per acre	Zone 1 - 100,000 lumens per acre Zone 2 – 50,000 lumens per acre	No limitation
Minimum lighting levels	NA	NA	0.2 footcandles for parking lots, loading areas, and similar use areas	NA
Light curfew	NA	None	On-site lighting levels in parking lots reduced by at least 50 percent by 10:00 p.m. or 30 minutes after the close of business for the day, whichever is later	Lights to be turned off no later than 1 hour after the end of the event

Notes:

- Exhibit 18-1 shows various types of lighting that are typically classified as full cutoff.
- See s. 11.18.07 for special provisions for security lighting.
- Stated levels are above ambient lighting conditions on a cloudless night.
- The Planning Commission may exercise discretion in regard to light trespass onto a public right-of-way if it is determined to be beneficial to safe lighting conditions of adjacent sidewalks or other public areas.
- The height of a freestanding luminaire is measured from the ground directly below the center line of the luminaire to the lowest part of the luminaire that emits light.
- The maximum height is based on the proximity of the luminaire to the adjoining property boundary line.
- For lamp types that vary in their output as they age (e.g., high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.
- Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow an increase of no more than 5 percent when needed to ensure public safety.

Exhibit 18-1. Examples of cutoff lighting

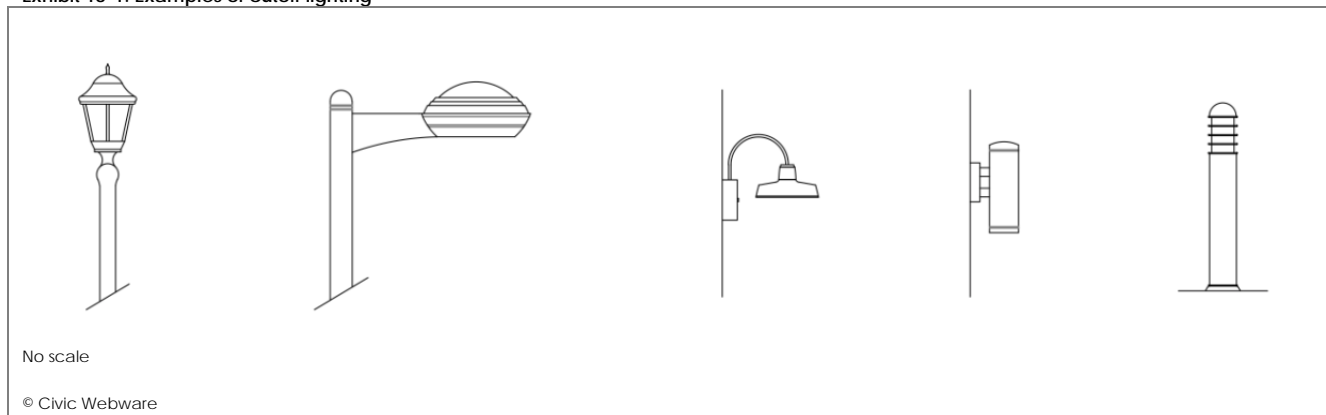
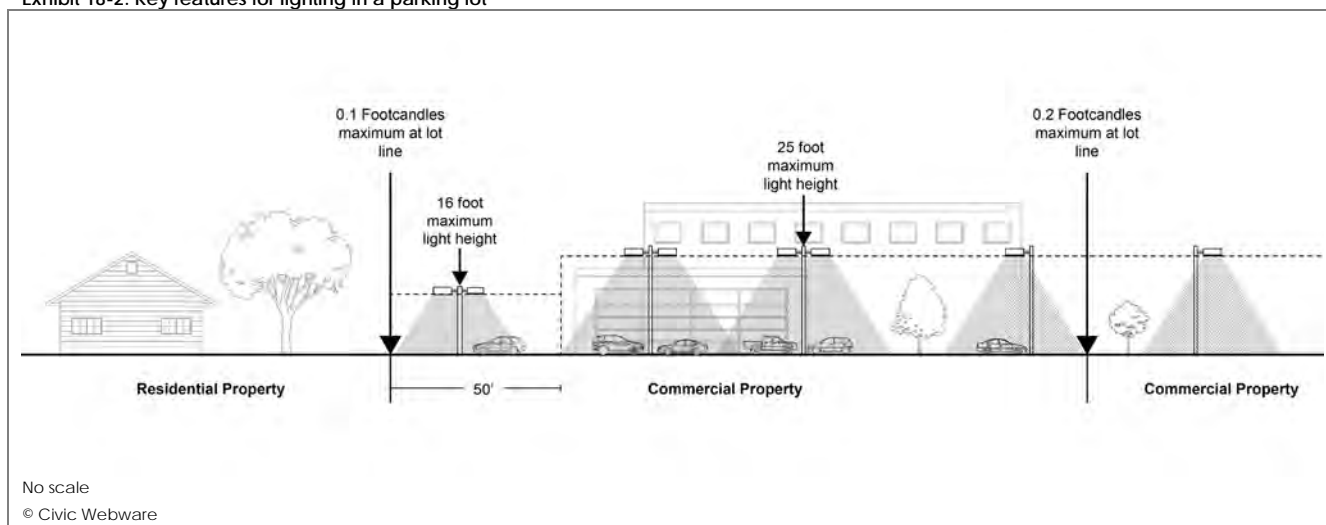


Exhibit 18-2. Key features for lighting in a parking lot



11.18.05 Special provisions for security lights

Security lights are permitted provided the following conditions are met:

- (1) The luminaire is top-shielded or located below an eave.
- (2) The lamp is rated less than 2,000 lumens.³
- (3) Lights are directed so as to limit direct glare onto adjacent properties.
- (4) Light switching is automated (e.g., motion sensor).
- (5) When the lamp is activated, the illumination level at a distance 25 feet must not exceed 0.5 footcandles.

³ Commentary: Examples of lamp types of less than 2,000 lumens include a 100-watt standard incandescent, a 15-watt cool fluorescent, a 15-watt compact fluorescent, and an 18-watt low pressure sodium lamp.

11.18.06 Lighting plan

(a) **General.** At the time any exterior light is installed or substantially modified, and whenever a development-related application is made a lighting plan must be submitted for review and approval consistent with the requirements for a site plan set forth in Article 5.

(b) **Content.** A lighting plan must include the following:

- (1) A description of all existing and proposed luminaires, including name of manufacturer, product number, lamp type, mounting height, and lumen output. This may include manufacturer's catalog cut sheets.
- (2) A photometric plan indicating the location of all existing and proposed luminaires, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (3) Other information the zoning administrator deems necessary to ensure compliance with this article.

(c) **Amendment of an approved lighting plan.** The zoning administrator may upon petition approve an amendment to an approved lighting plan based on a finding that the amendment is minor and otherwise complies with the requirements of this article in effect at the time. Any proposed amendment that the zoning administrator determines to be substantial, shall require a new approval and all procedures and requirements in place at the time must be followed.

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ARTICLE 19 NONCONFORMITIES

Sections

11.19.01	Legislative findings	11.19.07	Special provisions for mobile homes and manufactured homes not in a mobile home park
11.19.02	Official registry of nonconforming lots, buildings, and land uses	11.19.08	Special provisions for nonconforming boathouses
11.19.03	Nonconforming lots	11.19.09	Special provisions related to the shoreland-wetland overlay district
11.19.04	Nonconforming buildings	11.19.10	Special provisions related to the floodplain overlay district
11.19.05	Nonconforming uses		
11.19.06	Special provisions for manufactured home communities		

11.19.01 Legislative findings

The Common Council makes the following legislative findings relating to nonconformities:

- (1) There may exist lots, structures, uses, and signs in the City of Wisconsin Rapids that were lawfully established but that do not now comply with one or more provisions of the zoning district in which they are located.
- (2) It is not the intent of this chapter to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the zoning districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein.
- (3) State law permits the reconstruction of nonconforming structures under certain circumstances.

11.19.02 Official registry of nonconforming lots, buildings and land uses

(a) **Content of registry.** The zoning administrator is authorized to develop and maintain a registry of (1) lots known by him or her to be considered nonconforming, (2) buildings known by him or her to be considered nonconforming, and (3) land uses known by him or her to be considered nonconforming and those which have registered as a nonconforming use consistent with the requirements in Article 5.

(b) **Form of registry.** At the discretion of the zoning administrator, the registry may consist of either a written list or digital records.

(c) **Disclaimer.** Given the nature of the registry, the city does not warrant that such information is complete and/or accurate in all respects.

11.19.03 Nonconforming lots

(a) **Generally.** A legal nonconforming lot may be used for an allowable use, provided such use complies with all other development standards of the zoning district in which the lot is located.

(b) **Alteration of property boundary lines.** The location of a property boundary line of a nonconforming lot shall not be modified by any means, except when the new property boundary line location will make the nonconforming lot to be conforming or lessen the nonconformity. Any such change in a property boundary location shall be reviewed and approved by the Planning Commission.

11.19.04 Nonconforming buildings

(a) **Generally.** A legal nonconforming building may be used for any conforming use.

(b) **Enlargement.** A nonconforming building that is used for a conforming use may be enlarged provided the Planning Commission authorizes such enlargement pursuant to the requirements in Article 5.

(c) **New foundation/basement.** The placement of a new foundation or basement under an existing nonconforming building that is not located in the 100-year floodplain is permitted provided the foundation or basement does not extend beyond the vertical extent of the existing exterior wall.

(d) **Unsafe conditions.** Nothing in this article shall preclude the building inspector or any other city official from initiating remedial or enforcement actions when a nonconforming building is declared unsafe or presents a danger to the public health, safety, or welfare; constitutes a public nuisance; or is in violation of any licensing regulation.

(e) **Ordinary repair and maintenance, and remodeling.** Nothing in this article shall be deemed to prohibit or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming building.

(f) **Reconstruction following damage.** A nonconforming building that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the building may be larger when necessary to comply with state or federal requirements.⁴

(g) **Relocation.** A nonconforming building shall not be moved or relocated to any other location on the lot unless such building is made to conform to all regulations of the zoning district in which it is located.

11.19.05 Nonconforming uses

(a) **Generally.** A legal nonconforming use may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

(b) **Cessation of use.** If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, such use shall not thereafter be reestablished.⁵ A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive (e.g., marinas, summer camps). If the zoning administrator determines that a nonconforming use has ceased to operate for more than the aforementioned time period, he or she shall initiate the process established under Article 5 to terminate the nonconforming use. However, if a temporary structure houses a nonconforming use, such use shall terminate when the temporary structure is removed.

(c) **Change in extent.** Except as may be provided in this article or in state law, a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(d) **Limitation on structural alterations to building housing nonconforming use.** Structural alterations to a building housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50 percent of the equalized assessed value of such structure.⁶ For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized assessed value of the building, any additional structural alterations are limited to 10 percent of the equalized assessed value at the time of the work.

(e) **Damage to structure housing nonconforming use.** If a building housing a nonconforming use is damaged beyond 50 percent of its present equalized assessed value, such nonconforming use shall not be reestablished.

(f) **Change of location.** A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(g) **Casual, occasional, accessory, or incidental use.** Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.⁷

(h) **Change of production.** A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.⁸

(i) **Termination due to effects on public health, safety, and welfare.** In the event the zoning administrator determines that a nonconforming use, regardless of its duration, is harmful to the public health, safety, or welfare, he or she shall follow the procedure outlined in Article 5 relating to termination of a use.⁹

⁴ Commentary: See s. 62.23(7)(h), Wis. Stats.

⁵ Commentary: See s. 62.23(7)(h), Wis. Stats.

⁶ Commentary: See s. 62.23(7)(h), Wis. Stats.

⁷ Commentary: See *Village of Menominee Falls v. Veirstahler*, 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994)

⁸ Commentary: See *Racine County v. Cape*, 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740

⁹ Commentary: See *Town of Delafield v. Sharpley*, 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997, 96-2458)

(j) **Unsafe conditions.** Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, provided that such work conforms to the provisions in this chapter.

(k) **Licensing.** The operator of a nonconforming use shall obtain such licenses as may be required by the state of Wisconsin, or its designated agent; Wood County; or the City of Wisconsin Rapids, and maintain such licenses for the life of the use or until the entity no longer requires such license.

(l) **Conversion to another nonconforming use.** Subject to the requirements in Article 5, a nonconforming use may be converted to a different nonconforming use provided the new use is less nonconforming. Any nonconforming use that has been converted shall continue to be subject to all applicable provisions related to nonconforming uses and to the conversion order as approved by the Common Council.

(m) **Permissible accessory residential uses.** If an existing single-family dwelling unit is classified as a nonconforming use, the establishment of accessory residential uses normally incidental to a single-family dwelling is not considered to be an expansion of a nonconforming use and is permitted provided the accessory use is otherwise allowed by the zoning code and all accessory buildings exceeding 600 square feet must be approved by the Planning Commission upon a determination that the accessory building is otherwise allowed in the zoning district in which it is located.

11.19.06 Special provisions for manufactured home communities

Notwithstanding subsection 11.19.05(d) above, a manufactured home community licensed under s. 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of any manufactured homes
- (2) Repair or replacement of infrastructure.¹⁰

11.19.07 Special provisions for mobile home and manufactured homes not in a mobile home park

A mobile home or a manufactured home not located in a mobile home park is considered a nonconforming use and must comply with s. 24.02(4) of the municipal code.

11.19.08 Special provisions for nonconforming boathouses

The ordinary maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark shall comply with s. 30.121, Wis. Stats.

11.19.09 Special provisions related to the shoreland-wetland overlay district

The shoreland-wetland provisions of this chapter authorized by s. 62.231, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the shoreland wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

11.19.10 Special provisions related to the floodplain overlay district

Special provisions relating to nonconformities in the floodplain overlay district are included in Article 9.

¹⁰ Commentary: See s. 62.23(7)(ham), Wis. Stats.

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**ARTICLE 20
RESERVED**

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ARTICLE 21 REASONABLE ACCOMMODATIONS

Sections

11.21.01	Legislative findings	11.21.04	Confidentiality of applicant information
11.21.02	Reviews	11.21.05	Nature of approval
11.21.03	General requirements	11.21.06	Imposition of conditions

11.21.01 Legislative findings

The Common Council makes the following legislative findings relating to reasonable accommodations for persons with disabilities:

- (1) The federal government has adopted laws with respect to various rights afforded persons with disabilities.
- (2) Some of these laws, most notably the Fair Housing Act and the Americans with Disabilities Act, affect how local zoning rules and regulations are administered by municipalities.
- (3) Under the Fair Housing Act, reasonable accommodations must be made with respect to local zoning laws so that a person with a disability has an equal opportunity to use and enjoy a dwelling unit.
- (4) Under Title II of the Americans with Disabilities Act, reasonable accommodations must be made with respect to local zoning laws to avoid discrimination as provided in the act.
- (5) If a local municipality can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity (in this instance zoning requirements) it is not required to grant the modification.
- (6) Requests for wheelchair ramps in setback and offset areas as authorized in this section do not fundamentally alter the nature of this zoning code.
- (7) Requests for all other types of reasonable accommodations will be reviewed individually to determine if the requested accommodation fundamentally alters the nature of this zoning code.

11.21.02 Reviews

(a) **Wheelchair ramps in setback and offset areas.** The building inspector is authorized to approve the construction of wheelchair access ramps in setback areas pursuant to s. 11.06.106.

(b) **Other reasonable accommodations.** All other requests for reasonable accommodations under the above-mentioned federal laws shall be accomplished through the variance process described in Article 5.

11.21.03 General requirements

If a person's disability is not obvious or otherwise known, the reviewing authority may request information that (1) is necessary to verify that the person meets the federal government's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.

11.21.04 Confidentiality of applicant information

In reviewing petitions for reasonable accommodations, the reviewing authority will attempt to balance the privacy rights and reasonable request of an applicant for confidentiality, with normal procedural requirements relating to public notice, public hearings, written decision documents that may include findings of fact and conclusions of law, and maintaining adequate records. Any document identifying the disability or medical condition of any specific person shall be treated as confidential and shall not be subject to disclosure by the City for any reason, including Wisconsin's Open Records law, unless ordered to do so by a court of competent jurisdiction and notice is given to the person who provided the document to the City. Specifically, any medical records regardless of source, including statements of medical providers, shall not be subject to disclosure. For any other type of document, such as an application or determination, the document may be subject to disclosure, but only after the nature or description of the person's disability or medical condition has been redacted by the

city attorney. A statement regarding the City's handling of information subject to this provision should be included in the decision document.

11.21.05 Nature of approval

Any accommodation approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.

11.21.06 Imposition of conditions

The reviewing authority may impose conditions of approval deemed necessary to uphold the overall intent of this chapter. Typical conditions of approval include, but are not limited to, the following:

- (1) periodic inspection of the property to verify compliance with this section and any conditions of approval;
- (2) removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;
- (3) time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;
- (4) recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
- (5) measures to reduce the impact on surrounding properties and uses;
- (6) measures in consideration of the physical attributes of the property and structures; and
- (7) other conditions necessary to protect the public health, safety, and welfare.

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ARTICLE 22 ENFORCEMENT

Sections

11.22.01	Authority for enforcement	11.22.06	Other remedies
11.22.02	Actions constituting a violation	11.22.07	Continuation
11.22.03	General procedure	11.22.08	Release of contaminants in the wellhead protection overlay district
11.22.04	Violation notice	11.22.09	Penalties
11.22.05	Stop work order		

11.22.01 Authority for enforcement

The City has the authority under s. 62.23(7)(f), Wis. Stats., to enforce the provisions of this chapter and establish penalties.

11.22.02 Actions constituting a violation

Each action that is not in full compliance with this chapter and/or with a condition or requirement of an approval issued pursuant to this chapter shall constitute a separate and distinct violation. Each day that a violation continues is considered a separate offense.

11.22.03 General procedure

(a) **General steps.** After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if a violation does exist. If the property owner does not allow the zoning administrator the right to enter the subject property for the purpose of determining whether a violation exists or not, he or she may request a special inspection warrant from the court pursuant to s. 66.0119, Wis. Stats. If the zoning administrator determines that a violation does not exist, he or she shall notify the complainant and the property owner explaining his or her determination.

If the administrator determines that a violation does exist and the violation does not constitute an immediate threat to public health, safety, or welfare, the following general steps shall be followed.

- (1) **Notification of violation.** The zoning administrator shall send a violation notice, as described in this article, to the property owner by regular mail and certified mail.
- (2) **Stop work order.** If the violation involves construction and/or any land-disturbing activity, the zoning administrator shall prepare a stop work order and send a copy of the order to the property owner by regular mail. The stop work order shall be posted on the property in a prominent location.
- (3) **Issuance of a citation.** If the property owner does not bring the property into compliance as set forth in the notice and the property owner has not obtained an extension, the zoning administrator or a law enforcement officer employed by the City of Wisconsin Rapids shall send a citation to the property owner consistent with s. 2.17 of the municipal code.

If the violation is an immediate threat to the public health, and/or safety, the City may pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section. If a stop work order is issued and work continues in violation of that order, the City may then pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section.

(b) **Extension to compliance period.** Upon request, the zoning administrator may grant an extension to the compliance period if the property owner has demonstrated a good faith effort to comply and additional time is needed because of the weather and practical difficulties in meeting the timeline. Any forbearance on the part of the Common Council in this regard shall not be construed as waiving any provision of this chapter.

(c) **Stay of enforcement proceedings.** If the property owner submits an administrative appeal application or variance application to the City consistent with the procedures and requirements set forth in Article 5 and the appeal or variance relates specifically to the enforcement action, all legal proceedings relating to the enforcement action may be stayed, unless the zoning administrator certifies to the Zoning Board of Appeals that such stay in his or her opinion, would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a

court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.¹¹

(d) **Reoccurring violation.** If the zoning administrator determines that the property owner has violated this chapter a second time for the same offense within 12 months of bringing the property into compliance, the zoning administrator or a law enforcement officer employed by the City of Wisconsin Rapids shall send a citation to the property owner consistent with the procedures and requirements set forth in s. 2.17 of the municipal code.

11.22.04 Violation notice

(a) **Content.** A violation notice shall include the following:

- (1) a description of the violation,
- (2) the section(s) of this chapter being violated,
- (3) a statement describing the measures that would remedy the violation,
- (4) a statement that the property owner has 30 days from the date of the violation notice to comply (or 15 days for the second notice),
- (5) information about how the property owner may request an extension to the compliance period,
- (6) information about the appeal process, and
- (7) information concerning penalties for continued non-compliance.

(b) **Effect of violation notice.** Once a violation notice has been issued all construction or any land development activity related to the violation, except that which is done to ensure compliance, shall cease. In addition, if a property remains in violation the City shall not issue any other permits or approvals for any development on the premises.

11.22.05 Stop work order

(c) **Content.** A stop work order shall state the section of this chapter that is being violated, the name of an individual who should be contacted along with his or her work telephone number, a statement that all work on the premises must cease immediately until the zoning administrator rescinds the stop work order, and that removal of the stop work order constitutes a violation of this chapter.

(d) **Effect of stop work order.** Once a stop work order has been issued pursuant to this article all work on the property shall cease until such time as it is lifted by the zoning administrator.

(e) **Unauthorized removal of stop work order.** No person, other than the zoning administrator, shall remove a stop work order from the location it was posted. The removal of a stop work order by a person without authority to do so constitutes a violation of this chapter.

11.22.06 Other remedies

The City or any aggrieved person may seek an injunction, restraining order, or other equitable relief in court to stop any violation of this chapter and/or an order requiring the property owner to restore the property to the condition that existed prior to the violation.

11.22.07 Continuation

Nothing in this chapter shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

11.22.08 Release of contaminants in the wellhead protection overlay district

An individual and/or facility that releases a contaminant in the wellhead protection overlay district is subject to the requirements in s. 11.13.05.

¹¹ Commentary: See s. 62.23(7)(e)5, Wis. Stats.

11.22.09 Penalties

Any person that violates this chapter shall be subject to a penalty as provided in the municipal code.

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Appendix A Land-Use Matrix

Series / Land Use	Secondary Review	RR	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	B-5	I-I	P-1	M-1	M-2	C-1
1 Agriculture																
1.01 Agriculture, crop	-	P	-	-	-	-	-	-	-	-	-	-	-	-	C	-
1.02 Agriculture, general	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1.03 Aquaculture	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	-	C	C	C
1.04 Greenhouse	SP,PO,ZP	C	-	-	-	-	-	-	C	-	-	-	-	C	C	-
2 Resource-Based Uses																
2.01 Dam	SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	C	C	C	C
2.02 Forestry	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
3 Residential																
3.01 Manufactured home park	SP,ZP	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-
3.02 Mixed-use housing	AR,SP,ZP	-	-	-	-	-	-	P	C	C	-	-	-	-	-	-
3.03 Multi-family, 2 units	ZP	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
3.04 Multi-family, 3 to 8 units	AR,SP,ZP	-	-	-	P	C	-	-	-	-	-	-	-	-	-	-
3.05 Multi-family, 9 to 15 units	AR,SP,ZP	-	-	-	C	P	-	-	-	-	-	-	-	-	-	-
3.06 Multi-family, more than 15 units	AR,SP,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
3.07 Single-family dwelling	ZP	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-
3.08 Townhouse, 3 to 8 units	AR,SP,ZP	-	-	-	P	C	-	-	-	-	-	-	-	-	-	-
3.09 Townhouse, 9 to 15 units	AR,SP,ZP	-	-	-	C	P	-	-	-	-	-	-	-	-	-	-
3.10 Townhouse, more than 15 units	AR,SP,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
3.11 Twin home	ZP	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
4 Special Care Facilities																
4.01 Adult family home	ZP	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-
4.02 Community living arrangement, 8 or fewer residents	ZP	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-
4.03 Community living arrangement, 9 to 15 residents	AR,SP,ZP	-	-	C	P	P	-	-	-	C	-	-	-	-	-	-
4.04 Community living arrangement, more than 15 residents	AR,SP,ZP	-	-	-	C	C	-	-	-	C	-	-	-	-	-	-
4.05 Foster home and treatment foster home	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
4.06 Group day care center	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	C	P	C	-	-	-	-
4.07 Group day care center (company)	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	P	-	-	C	C	-
4.08 Hospice care center	AR,SP,ZP	-	-	-	-	-	-	C	C	C	-	C	-	-	-	-
4.09 Nursing home	AR,SP,ZP	-	-	-	-	-	-	C	P	C	-	C	-	-	-	-
4.10 Retirement home (assisted living)	AR,SP,ZP	-	-	-	C	C	-	C	C	-	-	C	-	-	-	-
4.11 Temporary residential shelter	AR,SP,ZP	-	-	-	C	-	-	C	C	-	-	C	-	-	-	-
5 Group Accommodations																

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5.01 Boarding house	AR,SP,ZP	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
5.02 Campground	SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
5.03 Group recreation camp	SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
5.04 Overnight lodging	AR,SP,ZP	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-
5.05 Resort	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C
5.06 Tourist rooming house	AR,SP,ZP	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
6 Food and Beverage Sales																
6.01 Brewpub	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	-	-	-	-	-
6.02 Food Pantry	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	P	-	-	P	-	-
6.03 Mobile Vending	ZP	-	-	-	-	-	-	P	P	P	P	P	P*	P	P	P*
6.04 Restaurant	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	-	-	-	-	-
6.05 Tavern	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	-	-	-	-	-
7 Vehicle Rental, Sales, and Service																
7.01 Heavy vehicle sales and service	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
7.02 Truck Stop	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	--	-	-	-	P	P	-
7.03 Truck-trailer rental establishment	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	P	-	-
7.04 Vehicle fuel station	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-	-	C	-	-
7.05 Vehicle repair shop	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	P	-	-
7.06 Vehicle sales and rental	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-	-	C	-	-
7.07 Vehicle service shop	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-
7.08 Vehicle storage yard	SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
8 General Sales																
8.01 Outdoor sales	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-
8.02 Retail sales, 10,000 sq ft or less	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	C	C	-	-	-	-	-
8.03 Retail sales, 10,001 to 40,000 sq ft	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	-	-	-	-	-
8.04 Retail sales, more than 40,000 sq ft	AR,SP,PO,ZP	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-
9 General Services																
9.01 Administrative services	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-
9.02 Adult-oriented establishment	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
9.03 Body-piercing establishment	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
9.04 Commercial kennel	AR,SP,PO,ZP	C	-	-	-	-	-	-	C	-	-	-	-	C	C	-
9.05 Commercial stable	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C
9.06 Equipment rental, large	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
9.07 Equipment rental, small	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	C	-	-
9.08 Financial services	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-
9.09 Funeral home	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-
9.10 General repair	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	C	-	-
9.11 General services	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	C	-	-	-	-	-

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9.12 Health care center	AR,SP,PO,ZP	-	-	-	-	-	-	C	C	-	P	-	-	-	-	-
9.13 Health care clinic	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-
9.14 Instructional services	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	C	C	-	-	C	-	-
9.15 Landscape business	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	P	C	-
9.16 Professional services	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	-	-	C	-	-
9.17 Tattoo establishment	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
9.18 Veterinary clinic, general	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-
9.19 Veterinary clinic, small animal	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	C	-	-	-	C	C	-
10 Recreation & Entertainment																
10.01 Driving range	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C
10.02 Golf course	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C
10.03 Indoor entertainment	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
10.04 Indoor recreation	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
10.05 Indoor shooting range	AR,SP,PO,ZP	-	-	-	-	-	-	C	C	-	-	-	-	C	-	-
10.06 Outdoor entertainment	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-
10.07 Outdoor recreation	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	C	C	C	C
11 Government & Community Services																
11.01 Administrative government center	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	P	C	-	C	-	-
11.02 Animal shelter	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	C	-	P	C	-
11.03 Cemetery	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
11.04 Civic use facility	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	C	C	C	-	-
11.05 Community center	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	C	C	-	-	-
11.06 Community cultural facility	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	C	C	-	-	-
11.07 Community garden	SP,ZP	-	-	-	-	-	-	C	C	C	C	C	C	P	P	P
11.08 Educational facility, post-secondary	AR,SP,PO,ZP	-	-	-	-	-	-	C	C	-	C	C	-	C	-	-
11.09 Educational facility, pre-K through 12	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-
11.10 Maintenance garage	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	C	-	P	C	-
11.11 Park	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	P	P	C	P	P	P	P
11.12 Public safety facility	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	C	-	P	C	-
11.13 Recreation trail	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
11.14 Worship facility	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	C	-	-	-	-
12 Telecommunications and Utilities																
12.01 Radio broadcast facility	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	-	C	C	-
12.02 Solar power plant	SP,ZP	-	-	-	-	-	-	-	-	-	C	-	-	C	P	C
12.03 Stormwater management facility	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.04 Telecommunication collocation (class 1)	ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT
12.05 Telecommunication collocation (class 2)	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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12.06 Telecommunication tower	SP,PO,ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT
12.07 Utility installation, major	SP,PO,ZP	-	-	-	-	-	-	-	C	0	C	C	C	C	C	C
12.08 Utility installation, minor	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12.09 Utility maintenance yard	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
13 Transportation																
13.01 Airport	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	C	-	C	C	-
13.02 Bus storage facility	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	C	C	-
13.03 Mass transit terminal	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	C	-	C	-	-
13.04 Off-site parking lot	SP,ZP	-	-	-	-	-	-	C	P	C	C	C	-	C	-	-
13.05 Park-and-ride lot	SP,PO,ZP	-	-	-	-	-	-	C	P	-	C	C	C	C	C	-
13.06 Railroad	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
14 General Storage																
14.01 Boat and RV yard	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
14.02 Bulk fuel storage	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
14.03 Indoor boat storage	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-
14.04 Personal storage facility	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-	-	P	C	-
14.05 Truck terminal	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
14.06 Warehouse	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
15 Industrial and Manufacturing																
15.01 Artisan shop	AR,SP,PO,ZP	-	-	-	-	-	-	P	P	C	-	-	-	C	-	-
15.02 Construction equipment repair	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
15.03 Construction equipment sales and service	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
15.04 Contractor yard	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
15.05 Light Manufacturing	AR, SP, PO, ZP	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-
15.06 Manufacturing	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
15.07 Salvage yard	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
16 Solid Waste																
16.01 Composting facility	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-
16.02 Recycling center	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
16.03 Solid waste transfer station	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
17 Accessory Uses																
17.01 Accessory building, nonresidential	AR,SP,ZP	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
17.02 Accessory building, residential	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.03 Accessory dwelling unit (ADU)	SP,ZP	C	C	C	-	-	-	-	-	C	-	-	-	-	-	-
17.04 Adult family home	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.05 Amateur radio and/or citizens band antenna	ZP	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-
17.06 Bed and breakfast	SP,PO,ZP	C	C	C	-	-	-	-	-	C	-	-	-	-	-	-
17.07 Boat dock	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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17.08 Boathouse	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.09 Exterior communication device	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.10 Family day care home	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.11 Fence	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.12 Firewood storage	-	P	P	P	-	-	-	-	-	P	-	-	-	P	P	-
17.13 Foster home and treatment foster home	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.14 Home occupation	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.15 Household livestock	ZP	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C
17.16 In-law dwelling unit	ZP	P	P	P	-	-	-	-	-	P	-	-	-	-	-	-
17.17 Kennel, hobby	SP,PO,ZP	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-
17.18 Light industrial use incidental to sales/service	SP,PO,ZP	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
17.19 Outdoor food and beverage service	SP,PO,ZP	-	-	-	-	-	-	C	C	-	C	-	-	-	-	-
17.20 Play structure	-	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.21 Pond	SP,ZP	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P
17.22 Retaining wall	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.23 Sales incidental to industrial use	SP,PO,ZP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-
17.24 Service window, drive-up	SP,PO,ZP	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-
17.25 Service window, walk-up	SP,PO,ZP	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
17.26 Solar energy system, building-mounted	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.27 Solar energy system, ground-mounted	SP,ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.28 Storage container	SP	-	-	-	-	-	-	-	C	-	C	-	-	C	C	-
17.29 Swimming pool	ZP	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-
17.30 Utility cabinet	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.31 Work/live dwelling unit	SP,ZP	-	-	-	-	-	-	P	C	P	-	-	-	-	-	-
18 Temporary Uses																
18.01 Contractor's office	SP,ZP	P	P	P	P	P	P	P	P	-	P	P	P	P	P	-
18.02 Earth materials stockpile	SP,PO,ZP	P	P	P	P	P	P	P	P	-	P	P	P	P	P	-
18.03 Farmers market [1]	SP,PO,ZP	-	-	-	-	-	-	P	P	-	C	P	P	-	-	-
18.04 Farm stand, off-site	ZP	-	-	-	-	-	-	C	P	-	C	-	C	C	-	-
18.05 Farm stand, on-site	ZP	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
18.06 Model home	PO,ZP	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-
18.07 Nonmetallic mine	SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-	C	C	C	-
18.08 Off-site construction yard	SP,PO,ZP	-	-	-	-	-	-	-	C	-	C	-	C	C	C	-
18.09 Party tent	-	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P
18.10 Portable storage container	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
18.11 Seasonal product sales	ZP	-	-	-	-	-	-	-	P	-	C	-	C	C	-	-
18.12 Sidewalk café	ZP	-	-	-	-	-	-	P	C	-	-	-	-	-	-	-
18.13 Wind test tower	ZP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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18.14 Yard sale	-	P	P	P	P	P	P	-	-	P	-	-	-	-	-	-

Zoning Districts

RR Rural Residential; R-1 Single-Family Residential; R-2 Mixed Residential; R-3 Multi-Family Medium Density Residential; R-4 Multi-Family High Density Residential; R-8 Manufactured Home Park; B-1 Downtown Commercial; B-2 General Commercial; B-3 Neighborhood Commercial; B-5 Mixed Use Commercial; I-1 Institutional; P-1 Park and Recreation; M-1 General Industrial; M-2 Heavy Industrial; C-1 Conservancy

Key for Land Uses

"-" indicates that the use is not permitted in the zoning district.

"C" indicates that the use is permitted in the zoning district as a conditional use. In addition, secondary review procedures may apply as indicated in the matrix. When a use is allowed as a conditional use, the reviewing authority may require submission and approval of a building plan, site plan, and/or plan of operation even when not otherwise required.

"P" indicates that the use is permitted in the zoning district by right subject to secondary review procedures as indicated in the matrix. Any commercial or industrial land use that is shown as permitted that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a conditional use.

"P*" indicates that the use is permitted with a special event permit under Section 20.08 of the Municipal Code.

"WT" indicates that the use is subject to the special review standards and procedures for Wireless Telecommunication Facilities.

Key for Secondary Review

"AR" indicates a building plan is required.

"PO" indicates a plan of operation is required.

"SP" indicates a site plan is required.

"ZP" indicates a zoning permit is required.

Notes:

1. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use).

Appendix B

Land Uses

Series	Land Use
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1	Agriculture
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1.01 Agriculture, crop

Description: A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) **Location.** The raising of crops may occur within required setbacks.

(b) **Buildings.** A building related to the raising of crops shall only be allowed in the RR zoning district.



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1.02 Agriculture, general

Description: A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised primarily for commercial purposes. Buildings and other structures necessary for the operation are allowed. The term does not include commercial stables.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **Minimum lot area.** A minimum lot area of 20 acres is required for general agriculture.

(b) **Number of animals.** The number of animals shall not exceed one animal unit for each full acre using the animal unit factors in Appendix E. The zoning administrator is authorized to determine an appropriate animal unit factor for any animal not listed.

(c) **Animals not allowed.** The keeping of hogs, male goats, roosters, and fur-bearing animals, other than rabbits, is prohibited.

(d) **Location of new buildings.** A building that houses livestock or poultry shall not be located within the 100-year floodplain or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 75 feet to any property boundary line.

(e) **Fencing.** Any outdoor area where animals are allowed to pasture or run shall be adequately fenced and located at least 10 feet from a property in a residential zoning district or a planned development district that allows residential uses.

1.03 Aquaculture

Description: A place where fish, bait, and other aquatic animals are produced out of doors.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to aquaculture.

1.04 Greenhouse

Description: A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. Plants grown on site may be sold at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants.

Vehicle Parking: 1 space for each employee on the largest work shift, plus 1 space for each 600 square feet of retail floor area if plants are offered for retail sale

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to greenhouses.



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2	Resource-Based Uses
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2.01 Dam

Description: An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **State and federal compliance.** A dam shall comply with all state and federal rules and regulations.

- (b) **Removal.** A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.
- (c) **Safety.** The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.
- (d) **Unsafe conditions.** If it is determined that a dam is unsafe or otherwise defective, the zoning administrator shall follow the procedure outlined in Article 5 relating to unsafe conditions.
- (e) **Termination of use.** If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to the termination of an approval.

2.02 Forestry

Description: The harvesting, thinning, and planting of trees and related forest management activities whether for commercial or noncommercial purposes. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include on-site processing and permanent skidding yards.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) **Generally.** No special standards apply to forestry except as provided in this section.

(b) **Removal of a tree or shrub within a defined open space area in a development project.** Trees and shrubs within an area set aside as open space as part of a development project shall not be removed except as follows:

- (1) A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.
- (2) Invasive species may be removed.

The removal of trees and shrubs is done consistent with a landscape management plan as prepared by a registered landscape architect, an arborist, or a forester and as approved by the zoning administrator.



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3 Residential

3.01 Manufactured home park

Description: A place with 2 or more designated pads (i.e., lots) for lease or rent to the general public for the placement of a mobile home or a manufactured home.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(a) **Mobile home space.** A manufactured home space must be at least 40 feet wide and at least 3,000 square feet in area.

(b) **Location of mobile homes.** A manufactured home or mobile home may not be closer than 20 feet to another unit or 10 feet to an internal service road. No more than two accessory structures are permitted per manufactured home space. Accessory buildings shall not exceed 120 square feet in area or 10 feet in height, except that carports (open or enclosed) not to exceed 16 feet by 24 feet and 10 feet height are permitted, and are to be used for vehicle storage only. Soft sided structures and canopies are strictly prohibited. Accessory structures may not be closer than 10 feet to another unit or 10 feet to an internal service road.

(c) **Water and sanitation.** Each manufactured home space must be connected to a public water supply system and a public sewage disposal system.

(d) **Surfacing.** All internal service roads, parking areas, and walkways must be hard surfaced.

(e) **Ancillary uses.** A manufactured home park shall not include a mobile home sales office or other business or commercial use. However, laundries, washrooms, recreational rooms, maintenance equipment storage, and one management office are permitted.

(f) **Screening.** A manufactured home park must be completely enclosed, except for permitted entrances and exits by temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, and a permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.



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3.02 Mixed-use housing

Description: One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

A dwelling unit on the second floor shall be served by stairs inside of the building (i.e., exterior stairs are not permitted).



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3.03 Multi-family, 2 units

Description: A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium. The term includes various construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. (Sometimes referred

to as duplex.)

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

(a) Number of principal buildings per parcel. No more than one 2-unit multi-family building shall occupy any single parcel of land.

(b) Design and construction. A 2-unit multi-family building shall meet the design and construction standards for a single-family dwelling.

(c) Garage required. A one-car garage containing at least 200 square feet shall be built for each dwelling unit at the same time the 2-unit multi-family building is being constructed. Such garage may be attached or detached.



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3.04 Multi-family, 3 to 8 units

Description: A building containing 3 to 8 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

(a) Number of principal buildings per parcel. More than one multi-family building with 3 to 8 dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) Design and construction. A multi-family building with 3 to 8 dwelling units shall meet the design and construction standards for a single-family dwelling.

(c) FHA Compliance. The developer is responsible for complying with all applicable standards in the Fair Housing Act, including accessibility requirements.



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3.05 Multi-family, 9 to 15 units

Description: A building containing 9 to 15 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

(a) Number of principal buildings per parcel. More than one multi-family building with 9 to 15 dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) Design and construction. A multi-family building with 9 to 15 dwelling units shall meet the design and construction standards for a single-family dwelling.

(c) FHA Compliance. The developer is responsible for complying with all applicable standards in the Fair Housing Act, including accessibility requirements.

3.06 Multi-family, more than 15 units

Description: A building containing more than 15 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

(a) Number of principal buildings per parcel. More than one multi-family building with 16 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) Design and construction. A multi-family building with 16 or more dwelling units shall meet the design and construction standards for a single-family dwelling.

(c) FHA Compliance. The developer is responsible for complying with all applicable standards in the Fair Housing Act, including accessibility requirements.

3.07 Single-family dwelling

Description: A building containing one dwelling unit that is situated on one lot and is not attached to any other dwelling unit by any means. The term includes manufactured homes and other construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. The term does not include mobile homes.

Vehicle Parking: 2 spaces

Supplemental Standards:

(a) Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.

(b) Design and construction. A single-family dwelling shall meet the following standards:



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- (1) The roof shall have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling.
- (2) Suitable roof coverings include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels.
- (3) Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.
- (4) An overhang shall extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
- (5) The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.

Consistent with the requirements in Article 5, the Planning Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this subsection.

(c) Garage required. A two-car garage containing at least 400 square feet shall be built at the same time the single-family dwelling is being constructed. Such garage may be attached or detached.

3.08 Townhouse, 3 to 8 units

Description: A building containing 3 to 8 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached or rowhouse.)



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Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

- (a) **Lot area.** No more than 70 percent of the lot area shall be occupied by a building.
- (b) **Utility service.** Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.
- (c) **Subsequent divisions.** Individual townhouses shall not be further subdivided.
- (d) **Driveways.** When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.
- (e) **Vertical off-sets.** When a building includes 5 or more dwelling units, there shall be a vertical offset of at least 2 feet between each adjoining dwelling unit.
- (f) **Accessory buildings.** The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.
- (g) **Front entrances.** The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.
- (h) **Garage required.** A one-car garage containing at least 200 square feet shall be built for each dwelling unit at the same time the townhouse is being constructed. Such garage may be attached or detached.

3.09 Townhouse, 9 to 15 units

Description: A building containing 9 to 15 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached or rowhouse.)



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Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

A townhouse with 9 to 15 dwelling units shall comply with the requirements for a townhouse with 3 to 8 units.

3.10 Townhouse, more than 15 units

Description: A building containing more than 15 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached or rowhouse.)

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

A townhouse with more than 15 dwelling units shall comply with the requirements for a townhouse with 3 to 8 units.

3.11 Twin home

Description: A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. The term includes various construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. (Sometimes referred to as single-family attached or zero-lot-line duplex.)

Vehicle Parking: 1 space for each dwelling unit

Supplemental Standards:

- (a) **Fire separation.** Each dwelling unit of a twin home shall be separated from the abutting unit by a fire wall meeting applicable building codes.
- (b) **General layout.** The common wall between dwelling units in a twin home shall be approximately perpendicular to the front lot line.
- (c) **Utility service.** Dwelling units in a twin home shall have separate connections for electric, natural gas, and municipal water.
- (d) **Sewer connection.** Both of the dwelling units may be served by a single sanitary service line provided an access - maintenance agreement is recorded in the Wood County register of deeds office.
- (e) **Written agreement required.** Dwelling units in a twin home shall be subject to a joint cross access and maintenance agreement as approved by the zoning administrator. Such agreement shall be recorded with each lot in the Wood County register of deeds office.
- (f) **Garage required.** A one-car garage containing at least 200 square feet shall be built for each dwelling unit at the same time the twin home is being constructed. Such garage may be attached or detached.

4 Special Care Facilities

4.01 Adult family home

Description: A place licensed by the state under s. 50.033(1m), Wis. Stats.

Vehicle Parking: 1 space for each 2 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons as indicated in the required state license application.

4.02 Community living arrangement, 8 or fewer residents

Description: Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Vehicle Parking: 4 spaces

Supplemental Standards:

- (a) **State license.** Prior to the establishment of a community living arrangement, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license. [1]
- (b) **Occupancy.** All residents of the community living arrangement, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons as indicated in the required state license application.
- (c) **City Council approval.** The City has determined that the capacity of community living arrangements exceeds 25 or one percent of the city's population, whichever is greater. As such, the Common Council has determined that additional community living arrangements are prohibited from locating in the city without obtaining the approval of the Common Council. Such proposals are granted or denied at the discretion of the City Council. [2]
- (d) **Advisory committee.** Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant shall make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., or s. 50.03(4)(g), Wis. Stats., as applicable.

[1] Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: See s. 11.06.35 regarding this determination.

4.03 Community living arrangement, 9 to 15 residents

Description: Any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Vehicle Parking: 6 spaces

Supplemental Standards:

A community living arrangement with 9 to 15 residents shall comply with the requirements for a community living arrangement with 8 or fewer residents.

4.04 Community living arrangement, more than 15 residents

Description: Any one of the following with 16 or more residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

Vehicle Parking: 1 space for each 3 residents

Supplemental Standards:

A community living arrangement with 16 or more residents shall comply with the requirements for a community living arrangement with 8 or fewer residents.

4.05 Foster home and treatment foster home

Description: A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.

Note: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State license. Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) Proximity to other such facility. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in s. 157.061(15), Wis. Stats., an association, or a public agency, shall not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. [1]

[1] Commentary: See s. 59.69(15)(bm), Wis. Stats.

4.06 Group day care center

Description: A place licensed as a day care by the state where care is provided for 9 or more children.

This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in the 17 series.

Vehicle Parking: 1 space for each 2 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

An outdoor activity area associated with a group day care center shall not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.



4.07 Group day care center (company)

Description: A place licensed as a day care by the state where care is provided for 9 or more children and which is intended for families working at the business. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in the 17 series.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

An outdoor activity area associated with a group day care center (company) shall not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

4.08 Hospice care center

Description: A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.

Note: See s. 50.90(1), Wis. Stats.

Vehicle Parking: 1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State license. Prior to the establishment of a hospice care center, the operator shall obtain a license from the state as provided for in s.

50.92, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) Required green space. If a hospice care center is not located in a commercial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

4.09 Nursing home

Description: A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.

Note: See s. 50.01(3), Wis. Stats.

Vehicle Parking: 1 space for each 3 beds; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State license. Prior to the establishment of a nursing home, the operator shall obtain a license from the state as provided for in s. 50.02, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) Required green space. If a nursing home is not located in a commercial zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

(c) Parking lot screening. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(d) Setbacks. Principal buildings shall be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

4.10 Retirement home (assisted living)

Description: A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents.

Vehicle Parking: 0.5 space for each dwelling unit, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Required green space. If a retirement home is not located in a commercial zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

(b) Parking lot screening. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(c) Setbacks. Principal buildings shall be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

4.11 Temporary residential shelter

Description: A place where individuals and families live on a temporary basis and support services including counseling may be provided. Residents typically receive housing at little or no cost, unrelated residents may share sleeping rooms, meals may or may not be provided, and unrelated residents may or may not share bathroom facilities.

Vehicle Parking: 1 space for each 500 square feet of gross floor area devoted to patron services; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Requirements for operator. A temporary residential shelter shall be managed by an organization operating a program approved by the state of Wisconsin pursuant to ch. 51, Wis. Stats., and all relevant administrative rules including chs. DHS 72, DHS 75, and DHS 94, Wis. Admin. Code.

(b) Other approvals. A temporary residential shelter shall be approved by all applicable government entities having authority under law to license or authorize the operation.

(c) Number of residents. The number of residents at a temporary residential shelter shall not exceed 15 occupants at one time.

5 Group Accommodations

5.01 Boarding house

Description: A place where lodging is furnished by pre-arrangement for compensation for 4 or more persons, not members of a family, but not exceeding 12 persons and not open to transient customers.

Vehicle Parking: 1 space for each bedroom that is offered for rent, plus other parking requirements for principal residents

Supplemental Standards:

The primary access to a boarding house with more than 15 units must be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

5.02 Campground

Description: A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.



Vehicle Parking: 1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces

Supplemental Standards:

(a) State permit. Prior to the establishment of a campground, the operator shall obtain a campground permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[1]

(b) Minimum lot area. A minimum lot area of 10 acres is required for a campground.

(c) Density. The density shall not exceed 10 campground spaces per net acre.

(d) Setback from lot line. A campground space shall be no closer than 50 feet to the perimeter lot line of the site.

(e) Surfacing. All drives and parking areas shall be hard surfaced. The portion of the campground site reserved for parking campers and recreational trailers should be hard surfaced.

(f) Access. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(g) Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by non-occupants.

(h) Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, are prohibited within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, are prohibited. Raised tent platforms are permitted.

(i) Solid waste collection. An off-street area for the collection of solid waste (trash) shall be provided within a campground.

(j) Continuing maintenance. The owner of the campground shall maintain the campground in a clean and sanitary manner.

[1] Commentary: See ch. DHS 178, Wis. Admin. Code

5.03 Group recreation camp

Description: A place where members of an association or other similar group, which operates the premises, and their invited guests may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes or stay overnight in a lodge, cabin, or other similar accommodation. Accessory uses may include a dwelling unit for the manager of the camp, sleeping accommodations for resident staff, and one or more buildings to house guest services, administrative offices, recreational facilities, maintenance equipment, supplies, and related materials. The term includes youth camps and church camps.

Vehicle Parking: 1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces

Supplemental Standards:

(a) State permit. Prior to the establishment of a group recreation camp, the operator shall obtain a permit from the Wisconsin Department of Health Services, or the department's agent, as required by state law and maintain such permit for the life of the use or until the state no longer requires such permit.[1]

(b) Minimum lot size. A minimum lot area of 10 acres is required for a group recreation camp.

(c) Continuing maintenance. The owner of the group recreation camp shall maintain the group camp in a clean and sanitary manner.

(d) Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the group recreation camp but they shall be designed, operated, and located to inhibit use by nonoccupants.

(e) Density. If campground spaces are provided, the density shall not exceed 10 campground spaces per acre (gross).

(f) Access. If campground spaces are provided, they shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(g) Setbacks from lot line. If campground spaces are provided, they shall be no closer than 40 feet to the perimeter lot line of the site.

(h) Solid waste collection. An off-street area for the collection of solid waste (trash) shall be provided within a group recreation camp.

(i) Limitation on addition of features. Storage sheds, decks, patios, and similar structures within a camping space, whether permanent or temporary, are prohibited. Structural additions to a recreational vehicle within a camping space, whether permanent or temporary, are prohibited. Tent platforms are permitted.

5.04 Overnight lodging

Description: A place where individual guest rooms with private bathrooms are offered to transient guests for rent. Accessory uses may include a dwelling unit for an on-site hotel/motel manager. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts.

Vehicle Parking: 1 space for each guest room and 1 space for each employee on the largest work shift, plus any required spaces for other uses such as restaurants or banquet facilities

Supplemental Standards:

(a) State permit. Prior to the establishment of overnight lodging, the operator shall obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[1]

(b) Location of entrance. A customer entrance to an overnight lodging facility that is located on the side or rear of the building shall not be located within 100 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.



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[1] Commentary: See ch. DHS 195, Wis. Admin. Code

5.05 Resort

Description: A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

Vehicle Parking: 1 space for each guest room; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State permit. Prior to the establishment of a resort, the operator shall obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. [1]

(b) Minimum lot area. A minimum lot area of 20 acres is required for a resort.

(c) Special dimensional standards. Club houses and similar buildings, lodging facilities, and maintenance buildings with a floor area exceeding 1,200 square feet shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

[1] Commentary: See ch. DHS 195, Wis. Admin. Code

5.06 Tourist rooming house

Description: A place where a single-family dwelling, individual rooms in a single-family dwelling, and/or one or more cabins and cottages are offered to transient guests for rent, provided the total number of guest rooms does not exceed 8. The term does not include other forms of transient lodging including bed and breakfasts and overnight lodging.

Vehicle Parking: 1 space for each guest room

Supplemental Standards:

No special standards apply to Tourist Rooming Houses, however additional state or local requirements may exist.

6 Food and Beverage Sales

6.01 Brewpub

Description: A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Supplemental Standards:

(a) State permits. Prior to the establishment of a brewpub, the operator shall obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. [1] In addition, the operator shall obtain a brewpub permit from the Wisconsin Department of Revenue, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. [2]



(b) Location of entrance. A customer entrance to a brewpub that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.

(c) Limitation on floor area devoted to production. No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.

(d) Limitation on production. Not more than 10,000 barrels (310,000 gallons) of fermented malt beverages may be manufactured in a calendar year.

[1] Commentary: See ch. DHS 196, Wis. Admin. Code

[2] Commentary: See ch. 125, Wis. Stats.

6.02 Food pantry

Description: A place where stocks of food, typically basic provisions, are stored and supplied free of charge to people in need, by a nonprofit or charitable organization. A food pantry may include ancillary offices related to the use and loading and unloading areas. They are typically open to the public for extended periods, like a grocery store, but have more specified times for pick-up and drop off.

Vehicle Parking: 1 space plus 1 space for each 350 square feet of office or administrative area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to a food pantry.

6.03 Mobile vendor

Description: Mobile Vendor/Vending Unit: Mobile vendor means a person who peddles, vends, sells, serves, displays, offers to sell or give away food, beverages, and related items from a mobile vending unit. Mobile Vending Unit means any motorized or non-motorized vehicle, trailer, kiosk, push, or pedal cart, stand, display, carried container, blanket, ground covering, or other devices, designed to be portable and not permanently attached to the ground from which food, beverages, or related items are being peddled, vended, sold, serviced, displayed, offered for sale or given away. Mobile vending does not include a mobile wholesale delivery unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government.



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Vehicle Parking: Exempt. If a permanent or regular location has been identified a site plan shall accompany a Zoning permit application.

Supplemental Standards:

(a) **Local permit.** A local permit is required to operate, in addition to Zoning review procedures as identified in Appendix A.

(b) **Health Department Permit.** A local health department permit may be required, dependent upon the use.

(c) **Liquor license:** Not permitted

(d) **Location.** See the land use matrix table (Appendix A). An 'Ice Cream Vending Vehicle' shall be exempt from location requirements.

[1] Commentary: See ch. DHS 196, Wis. Admin. Code

6.04 Restaurant

Description: A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Supplemental Standards:

(a) **State permit.** Prior to the establishment of a restaurant, the operator shall obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. [1]

(b) **Liquor license.** If the establishment serves liquor, the operator shall obtain a liquor license from the City and maintain such license for the life of the use or until the license is no longer required.

(c) **Location of entrance.** A customer entrance to a restaurant that is located on the side or rear of the building shall not be located within 100 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

[1] Commentary: See ch. DHS 196, Wis. Admin. Code

6.05 Tavern

Description: A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bars, drinking establishments, sports bar, and lounges.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Supplemental Standards:

(a) Liquor license. Prior to the establishment of a tavern, the operator shall obtain a liquor license from the City and maintain such license for the life of the use or until the license is no longer required.

(b) Compliance with state requirements. A tavern shall comply with requirements as may be adopted by the state of Wisconsin.

(c) Location of entrance. A customer entrance to a tavern that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.



7 Vehicle Rental, Sales, and Service

7.01 Heavy vehicle sales and service

Description: A place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Planning Commission.

Vehicle Parking: 1 space for each 350 square feet of retail floor area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.

7.02 Truck stop

Description: A development oriented to the service of trucks, including the sale of fuel, and provision for support facilities for truck drivers. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. Truck stops are designed to primarily accommodate trucks and truck drivers but may also serve as vehicle fuel stations. Truck stops allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles. Such facilities are typically placed along the interstate freeway system or major highways which generate high traffic volumes.

Vehicle Parking: 1 space for each 300 square feet of gross floor area. Any truck parking shall be striped on site, with semi-truck and trailer parking measuring a minimum 75 feet long by 10 feet wide.

Supplemental Standards:

(a) Landscaping. A D type buffer shall be required where the property borders residential zoning districts and uses.

(b) Restroom facilities. If a truck stop provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.

(c) Pump island canopies. A pump island canopy shall not exceed 22 feet in height.

(d) Special setbacks. The following setbacks shall apply to a truck stop:

(1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district

(2) A pump island canopy shall comply with the following setbacks: 10 feet for a front yard, 20 feet for a side yard, and 20 feet for a rear yard.

(3) Overnight truck stop parking shall be designated on the site and shall be setback 75 feet from any adjacent residential districts and uses.

(e) Surface. All vehicle use areas shall be concrete or a bituminous material capable of supporting heavy truck axle loads.

7.03 Truck-trailer rental establishment

Description: A place where trucks, utility trailers, and related items are kept and rented out, generally to those moving their personal and household belongings. Servicing of vehicles and trailers stored on site is allowed provided such use is clearly incidental as may be established by the Planning Commission.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each 7 trucks and trailers stored on site.

Supplemental Standards:

(a) Standards for placement in B-2. When located in the Highway Business (B-2) zoning district, trucks and trailers shall not be stored within the front yard setback, the side yard setback, or the rear yard setback.

(b) Maximum number of units in B-2. When located in the Highway Business (B-2) zoning district, no more than a total of 15 trucks and trailers may be stored on site.

(c) Size limitations in B-2. When located in the Highway Business (B-2) zoning district, trucks and trailers are limited to those that (i) have no more than two axles per unit, (ii) have a maximum box length of 17 feet, (iii) have a maximum height of 12 feet in height, and (iv) do not require



a commercial driver's license to operate.

(d) Site plan. The location on the property where trucks and trailers may be stored shall be clearly indicated on an approved site plan.

7.04 Vehicle fuel station

Description: A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops or similar uses.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) Restroom facilities. If a vehicle fuel station provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.

(b) Pump island canopies. A pump island canopy shall not exceed 22 feet in height.

(c) Special setbacks. The following setbacks shall apply to a vehicle fuel station:

(1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district.

(2) A pump island canopy shall comply with the following setbacks: 10 feet for a front yard, 20 feet for a side yard, and 20 feet for a rear yard.

(d) Surface. All vehicle use areas shall be concrete or a bituminous material capable of supporting a 4-ton axle load.



7.05 Vehicle repair shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, towing, vehicle upholstery, engine repair and overhauls, and similar activities.

Vehicle Parking: 2.5 spaces for each service bay; plus 1 for each employee on the largest work shift

Supplemental Standards:

(a) Work area. Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.

(b) Vehicle storage. When a vehicle repair shop is located in a commercial zoning district, no more than 15 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.



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7.06 Vehicle sales and rental

Description: A place where new and used cars, light trucks, motorcycles, mopeds, snowmobiles, and all-terrain vehicles (ATVs) are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Planning Commission.

Vehicle Parking: 1 space for each 300 square feet of gross floor area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State license. Prior to the establishment of this use, the operator shall obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain such license for the life of the use or until the state no longer requires such license.^[1]

(b) Show room. An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.^[2]

(c) Setback for display area. Display areas and other activity areas shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.

(e) Junk vehicles. Junk vehicles and inoperable vehicles shall not be kept out-of-doors.



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^[1] Commentary: See s. ch. 218, Wis. Stats.

^[2] Commentary: See s. TRANS 138.03(a), Wis. Admin. Code

7.07 Vehicle service shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

Vehicle Parking: 1 space for each service bay; plus 1 for each employee on the largest work shift

Supplemental Standards:



Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.

7.08 Vehicle storage yard

Description: A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before taken to a repair shop or while waiting for an insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is prohibited.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Buffer yard. The reviewing authority may, as part of the site plan review process, require fencing, landscaping, or both to provide adequate screening between a vehicle storage yard and adjoining properties.

(b) Setback requirements. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial or mixed-use zoning district. (Verify references to zoning districts)

(c) Fence. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store the motor vehicles.

(d) Fence plan. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.

8 General Sales

8.01 Outdoor sales

Description: A place where the merchandise offered for sale is primarily displayed outside of a building or other structure. This term does not include those land uses otherwise defined in this section.

Vehicle Parking: 1 space for each 5,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Hours of operation. The hours of operation for outdoor sales shall comply with those hours as approved through the plan of operation review process, taking into account surrounding land uses.

(b) Location. Display areas shall not be located in setback areas established for principal buildings.

8.02 Retail sales, 10,000 sq ft or less

Description: One or more establishments providing retail services in a single building with a floor area of 10,000 square feet or less.

Vehicle Parking: 1 space for each 300 square feet of retail floor area

Supplemental Standards:

(a) Negative use agreements. All retail operations must comply with the prohibition of negative use agreements as set forth in s. 11.06.69.

(b) Licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the city as set forth in Chapter 20 of the municipal code.

8.03 Retail sales, 10,001 to 40,000 sq ft

Description: One or more establishments providing retail services in a single building with a floor area between 10,001 and 40,000 square feet in floor area.

Vehicle Parking: 1 space for each 300 square feet of retail floor area

Supplemental Standards:

(a) Negative use agreements. All retail operations shall comply with the prohibition of negative use agreements as set forth in s. 11.06.69.

(b) Licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the city as set forth in Chapter 20 of the municipal code.

8.04 Retail sales, more than 40,000 sq ft

Description: One or more establishments providing retail services in a single building with a floor area of more than 40,000 square feet.

Vehicle Parking: 1 space for each 300 square feet of retail floor area

Supplemental Standards:

(a) Negative use agreement. All retail operations shall comply with the prohibition of negative use agreements as set forth in s. 11.06.69.

(b) Licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the city as set forth in Chapter 20 of the municipal code.

(c) **Access requirements.** The primary access to a retail sales operation with more than 40,000 square feet of floor area must be off of a street classified as a major arterial or higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

9 General Services

9.01 Administrative services

Description: A place where employees primarily perform administrative functions and where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, and engineering firms.

Vehicle Parking: 1 space for each 350 square feet of gross floor area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to administrative services.



9.02 Adult-oriented establishment

Description: A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, or adult theater.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) **Legislative findings.** The Common Council makes the following legislative findings regarding adult-oriented establishments:

- (1) Negative secondary effects associated with adult, sexually-oriented establishments have been confirmed by the United States Supreme Court in its decisions in, for example, *City of Renton v. Playtime Theatres, Inc.* (475 U.S. 41 (1986)) and by the United States Court of Appeals in its decisions in, for example, *Hang On, Inc. v. City of Arlington* (65 F.3d 1248 (5th Cir., 1995)), *Fantasy Ranch v. City of Arlington Texas* (459 F.3d 546 (5th Circuit, 2006)), and *Andy's Restaurant & Lounge, Inc. v. City of Gary* (466 F.3d 550 (7th Cir., 2006)) and such negative secondary effects include, for example, personal and property crimes, prostitution, lewd behavior, assault, public indecency, obscenity, illicit drug use and drug trafficking, potential spread of disease, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (2) The decisions issued by the appellate courts constitute reliable sources of information that may be reasonably relied upon by the Common Council.
- (3) Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in preventing and/or abating.
- (4) Continued regulation of adult-oriented establishments is necessary to limit the aforementioned negative secondary effects associated with adult-oriented establishments and thereby promote the health, safety, and welfare of the City of Wisconsin Rapids.
- (5) The Common Council intends, via this chapter, to establish reasonable regulations on adult-oriented establishments, while preserving free speech pursuant to the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

(b) **Purpose.** This section is intended to regulate adult-oriented establishments in order to promote the health, safety, and general welfare of citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(c) **Applicability.** Upon any of the following events, an adult-oriented establishment shall comply with the provisions of this section:

- (1) the opening or commencement of an adult-oriented establishment;
- (2) the conversion of an existing business, whether or not a adult-oriented establishment, to an adult-oriented establishment;
- (3) the addition of a new adult-oriented establishment to an existing adult-oriented establishment;
- (4) the relocation of an adult-oriented establishment;
- (5) the sale, lease, or sublease of an adult-oriented establishment;
- (6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or
- (7) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(d) **Exclusions.** The provisions of this section do not apply to the following:

- (1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided such licensed individual is only engaged in performing the normal and customary functions authorized under the license held;
- (2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;
- (3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or

(4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Any activity conducted or sponsored by an entity identified in subsection (4) above must meet all of the following requirements:

- (1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing;
- (2) All students participating in the class must be enrolled at least 3 days in advance of the class; and
- (3) Not more than one (1) nude model is on the premises at any one time.

(e) **Licensing.** Prior to the establishment of an adult-oriented establishment, the operator shall obtain a license from the City of Wisconsin Rapids as may be required, and maintain such license for the life of the use or until the City no longer requires such license.

(f) **Proximity to another adult-oriented establishment.** An adult-oriented establishment shall not be located within 500 feet of another adult-oriented establishment.

(g) **Proximity to specified zoning districts.** An adult-oriented establishment shall not be located within 500 feet of a residential zoning district or a planned unit development that allows residential uses.

(h) **Proximity to other specified land uses** An adult-oriented establishment shall not be located within 600 feet of any of the following:

- (1) public library;
- (2) public playground or park, including nature trails, pedestrian/bicycle paths, or other public lands open for recreational activities;
- (3) educational facility, including K-12 and post-secondary, but not including facilities used primarily for another purpose and used only incidentally at a school;
- (4) state licensed family day care home, group day care home, or day care center;
- (5) worship facility;
- (6) any youth-oriented establishment;
- (7) tavern; or
- (8) any commercial business, other than a tavern, holding a valid liquor license.

If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate. This provision only applies to a renewal of a valid permit or other license. It does not apply when a license or permit expires or when the City terminates this use due to a violation of this chapter.

(i) **Measurement of distances.** For the purpose of this section, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest lot line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located on the first floor of a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). If an adult-oriented establishment is located above the first floor of a multi-tenant building (e.g., shopping center), the measurement shall be taken from the exterior door on the first floor that is nearest to the adult-oriented establishment, excluding emergency exits. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(j) **Licensing.** Adult-oriented establishments shall comply with any licensing requirements established by the City of Wisconsin Rapids.

9.03 **Body-piercing establishment**

Description: A place where a body piercer performs body piercing.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) State license. Prior to the establishment of a body-piercing establishment, the operator shall obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such license. [1] In addition, each practitioner shall obtain a license from the department as required by state law and maintain such license while at the establishment or until the state no longer requires such license. [2]

(b) Locational standards. A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the exterior wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(c) Building standards. A patron who is being pierced shall not be visible from the exterior of the building through a window or entrance to the building.

(d) Alcohol beverages prohibited. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.

[1] Commentary: See s. 252.24, Wis. Stats.

[2] Commentary: See s. 252.24, Wis. Stats.

9.04 Commercial kennel

Description: A place not qualifying as a private kennel or a hobby kennel where dogs, cats, or other domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term includes animal day care, boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) Buildings. A building used to house animals shall be at least 50 feet from a residential zoning district or a planned development district that allows residential uses. An outdoor area where animals may be kept shall be at least 200 feet from a residential zoning district or a planned development district that allows residential uses.

(b) Special events. Special events related to a commercial kennel, such as dog shows, exhibitions, field trials, and contests, may be permitted as a temporary use as set forth in this appendix.



9.05 Commercial stable

Description: A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides.

Vehicle Parking: 1 space for each 4 stable stalls (or equivalent)

Supplemental Standards:

(a) Minimum lot area. A minimum lot area of 5 acres is required for a commercial stable.

(b) Buildings. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed provided they comply with all other requirements of the zoning district in which the subject property is located.

(c) Location of new buildings. A building that houses livestock, shall not be located within a floodplain, or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 50 feet to any property boundary line.

(d) Manure management. As part of the site plan/operation plan review process, the handling and disposal of animal waste generated by a commercial stable shall be addressed.

(e) Number of animals. The Planning Commission may establish a limitation on the maximum number of animals based on site conditions, surrounding land uses, and preparation of an acceptable manure management plan.

(f) Special events. Special events related to a commercial stable, such as horse shows, exhibitions, and contests, may be permitted as a temporary use as set forth in this appendix.



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9.06 Equipment rental, large

Description: A place where large equipment that is normally stored out of doors is offered for rent or lease. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

Vehicle Parking: 1 space for each 8,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

Outdoor display and storage areas and other activity areas shall comply with the setback requirements for the zoning district in which the use is located.

9.07 Equipment rental, small

Description: A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

Vehicle Parking: 1 space for each 300 square feet of gross floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

No special standards apply to small equipment rental.

9.08 Financial services

Description: A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

A payday loan business or auto title loan business shall not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest lot line of a parcel in the specified zoning district. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section. If a payday loan business or auto title loan business was operating on January 1, 2011 and does not comply with the locational standards in this section, such business may continue to operate at that location.



[1] Commentary: See s. 59.69(4h), Wis. Stats.

9.09 Funeral home

Description: A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.

Vehicle Parking: 1 space for each 3 patron seats at the maximum capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to funeral homes.

9.10 General repair

Description: A place where consumer goods such as shoes, bicycles, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

Vehicle Parking: 1 space for each 450 square feet of gross floor area

Supplemental Standards:

All activities related to this use shall occur within an enclosed building, except when the parcel of land is located in an industrial zoning district.

9.11 General services

Description: A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to general services.

9.12 Health care center

Description: A place where medical treatment, or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.

Vehicle Parking: 1 space for each 1.5 patient beds; plus 1 space for each employee on the largest work shift; plus 1 space for each doctor on the largest work shift

Supplemental Standards:

(a) Access requirements. The primary access to a health care center shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

(b) Transition when allowed as a conditional use. When a health care center is allowed as a conditional use and is located in a residential zoning district or abuts a residential zoning district or a planned development district that allows residential uses, the site shall be designed so there is an appropriate transition to those adjoining residential uses which may be accomplished by providing additional landscaping and screening and through the design and placement of buildings and other improvements on the site.



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9.13 Health care clinic

Description: A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

Vehicle Parking: 1 space for each examination room or equivalent; plus 1 space for each 300 square feet of gross floor area not devoted to examinations

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to health care clinics.



9.14 Instructional services

Description: A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.

Vehicle Parking: 1 space for each student during the largest period of attendance; plus 1 space for each employee on the largest work shift

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to instructional services.

9.15 Landscape business

Description: A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.

9.16 Professional services

Description: A place where services involving predominantly professional, clerical, or similar operations are performed and where customers may or could come on a regular basis. The term includes law offices, real estate offices, insurance offices, and travel agencies.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to professional services.

9.17 Tattoo establishment

Description: A place where a tattooist applies a tattoo to another individual.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) State license. Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such license.[1] In addition, each practitioner shall obtain a license from the department as required by state law and maintain such license while at the establishment or until the department no longer requires such license.[2]

(b) Locational standards. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building



containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(c) Building standards. A patron who is being tattooed shall not be visible from the exterior of the building through any window or entrance to the building.

(d) Alcohol beverages prohibited. A tattoo establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.

[1] Commentary: See s. 252.23, Wis. Stats.

[2] Commentary: See s. 252.23, Wis. Stats.

9.18 Veterinary clinic, general

Description: A place where medical services for small and large animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor and outdoor enclosures for animals under the immediate medical care of a veterinarian.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

(a) Minimum lot area. When a veterinary clinic keeps large animals onsite for treatment and the clinic is located in a residential zoning district, a minimum lot area of 5 acres is required.

(b) Placement of features. Any building used to house animals shall be at least 50 feet from a residential zoning district. Any outdoor area where animals may be kept shall be at least 100 feet from a residential zoning district or a planned development district that allows residential uses.

9.19 Veterinary clinic, small animal

Description: A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.

Vehicle Parking: 1 space for each 300 square feet of gross floor area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to small animal veterinary clinics.



10 Recreation and Entertainment

10.01 Driving range

Description: A place where golfers practice driving golf balls from a fixed central location. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

Vehicle Parking: 1 space for each driving station

Supplemental Standards:

The reviewing authority may require the operator to install fencing when deemed necessary to protect the public health, safety, and welfare.



10.02 Golf course

Description: A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, game room with snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

Vehicle Parking: 36 spaces for each 9 holes of golf; plus 1 space for each employee on the largest work shift. If a tavern or restaurant is also part of the golf course facility, the parking requirements of such use shall be 50 percent of the requirement.

Supplemental Standards:

(a) Minimum lot area. A minimum lot area of 25 acres is required for a golf course.



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(b) Locational standards. Club houses and maintenance buildings with a floor area exceeding 1,200 square feet shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

10.03 Indoor entertainment

Description: A place where indoor entertainment is offered. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

Vehicle Parking: 1 space for each 3 patron seats; plus 1 for each employee on the largest work shift

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to indoor entertainment.

10.04 Indoor recreation

Description: A place where indoor recreational activities are offered. The term includes bowling alleys, skating rinks, billiard and pool halls, and arcades.

Vehicle Parking: 1 space for each 3 patron seats; plus 1 for each employee on the largest work shift

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to indoor recreation.

10.05 Indoor shooting range

Description: An indoor area where patrons shoot guns and bow and arrows for target practice.

Vehicle Parking: 1 space for each 3 patrons at design capacity; plus 1 for each employee on the largest work shift

Supplemental Standards:

(a) Compliance with state and federal requirements. An indoor shooting range shall comply with all applicable state and federal standards, including those relating to environmental protection and occupational health and safety.

(b) Design specifications. A professional architect or engineer with demonstrated experience in indoor shooting range design shall submit documentary evidence establishing the type and caliber of ammunition the range is designed to confine in a safe and controlled manner. Design specifications may be derived from *Range Design Criteria* published by the U.S. Department of Energy, Office of Health, Safety and Security; *The Range Source Book* published by the National Rifle Association of America; or any other similar authoritative source.

(c) Ammunition. No ammunition shall be used within the indoor shooting range that exceeds the certified design and construction specifications.

(d) Adoption of rules and procedures. The operator of the indoor shooting range shall establish and enforce clear rules and procedures for the safe operation of the range. Such rules and regulations shall include the operational standards contained in this section and those adopted by the state or federal government, and accepted industry practices, including those derived from the sources identified in subsection (b) above. Such rules shall be conspicuously displayed inside of the indoor shooting range.

(e) Security plan. A security plan shall be established for the building securing the building from unauthorized entrants.

(f) Storage of guns. All firearms stored on the premises must be stored in a gun safe or other secure storage facility or container approved by the Chief of Police.

(g) Enforcement of adopted rules and procedures. At least one adult who is an experienced shooting range operator shall be present to manage the operation of the indoor shooting range when it is being used. The shooting range operator shall take reasonable actions to ensure that employees and patrons comply with the rules and procedures governing the operation of the indoor shooting range.

(h) Minors. No person under the age of 18 shall be permitted inside of the indoor shooting range unless accompanied by an adult at all times. A minor participating in a firearms safety class supervised by a qualified adult instructor shall be deemed to be accompanied by an adult.

(i) Additional requirements. Unless preempted by state or federal law, the Planning Commission may recommend and the Common Council may impose additional conditions or requirements including reporting or inspection requirements if it determines such conditions or requirements are reasonably necessary to protect the public health, safety, and welfare. Consideration shall be given to the cost and burden of such additional requirements upon the operation of the indoor shooting range and upon City resources compared to the additional public benefit to be achieved, industry practices, and evidence of experiences with similar operations in other communities.

(j) Additional criteria for conditional use reviews. In those instances where an indoor shooting range is allowed as a conditional use, potential nuisances to the surrounding area related to air quality and noise shall be considered during the review process in addition to those criteria used to evaluate conditional uses.



10.06 Outdoor entertainment

Description: A place where outdoor, spectator-type uses or events are offered. The term includes race tracks, motocross courses, tractor-pulling events, and sports arenas.

Vehicle Parking: 1 space for each 3 patron seats at design capacity; plus 1 for each employee on the largest work shift

Supplemental Standards:

- (a) **Hours of operation.** The Planning Commission may establish hours of operation for this use when the operation may negatively affect surrounding properties.
- (b) **Site design considerations.** The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.
- (c) **Locational standards.** Activity areas shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.



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10.07 Outdoor recreation

Description: A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses, parks, shooting ranges, and recreational trails.

Vehicle Parking: 1 space for each 3 patrons at design capacity; plus 1 for each employee on the largest work shift

Supplemental Standards:

- (a) **Hours of operation.** The Planning Commission may recommend and the Common Council may establish hours of operation for this use when the operation may negatively affect surrounding properties.
- (b) **Site design considerations.** The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.
- (c) **Locational standards.** Activity areas shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.



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11 Government and Community Services

11.01 Administrative government center

Description: A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.

Vehicle Parking: 1 space for each 350 square feet of gross floor area

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to administrative government centers.

11.02 Animal shelter

Description: A place where stray or unwanted household pets are temporarily housed.

Vehicle Parking: 1 space for each 600 square feet of gross floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **Confinement of animals.** All animals shall be continuously confined within an enclosed building except as provided in this section. In an industrial zoning district an animal shelter may have a fenced exercise area provided:

- (1) it is at least 200 feet from a property in a residential zoning district, a planned development district that allows residential uses, or a mixed-use zoning district, and
- (2) no animal shall be allowed in the exercise area from sunset to sunrise.

(b) **Noise control.** The building shall be designed and operated so that noise from the animals at the facility cannot be heard beyond the property boundary line of the parcel of land on which it is located.



11.03 Cemetery

Description: A place where human remains may be buried or interned. Accessory uses may include columbariums, mausoleums, crematories, and mortuaries when operated in conjunction with and within the boundaries of such area. The sale of cemetery merchandise, including monuments, markers, nameplates, vases and urns, and any services that are associated with supplying or delivering those goods or with the burial of human remains is allowed when accessory to the principal use.

Vehicle Parking: 1 space for each employee on the largest work shift, plus any required parking for other uses such as a funeral home

Supplemental Standards:

- (a) **Minimum size.** A cemetery shall be at least 10 acres without a public mausoleum or at least 20 acres with a public mausoleum.^[1]
- (b) **Location of burial plots.** Burial plots shall not be located within 20 feet of a property boundary line or a proposed right-of-way so designated on the official map adopted under ch. 13 of the municipal code, in a designated floodplain, or in a wetland area; nor shall internment



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occur below the groundwater table.

(c) Location of mausoleums. Private mausoleums shall be located at least 20 feet from a property boundary line. Public mausoleums shall comply with the building setback requirements for principal buildings of the zoning district in which this use is located.

(d) Marker required. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot unless the zoning administrator allows an unmarked grave due to exceptional circumstances.

(e) Name required. The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.

(f) Financial guarantee. Prior to the establishment a cemetery, the property owner shall submit a financial guarantee to the City pursuant to the requirements in Article 4 consistent with any requirement the Common Council may adopt. This financial guarantee relates to the long-term upkeep of the cemetery.

(g) Compliance with state law. A cemetery shall comply with all requirements set forth in subch. II of ch. 157, Wis. Stats.

[1] Commentary: See s. 157.129, Wis. Stats.

11.04 Civic use facility

Description: A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.

Vehicle Parking: 1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Supplemental Standards:

The primary access to a civic use facility with 600 seats or more shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

11.05 Community center

Description: A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

Vehicle Parking: 1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at design capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Supplemental Standards:

The primary access to a community center with 600 seats or more shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

11.06 Community cultural facility

Description: A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.

Vehicle Parking: 1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Supplemental Standards:

The primary access to a community cultural facility with 600 seats or more shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.



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11.07 Community garden

Description: A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

Vehicle Parking: 1 space for each 10,000 square feet of land available for production, if on-street parking is not readily available as determined by the zoning administrator

Supplemental Standards:

The following structures/uses are generally permitted in community gardens subject to the review and approval of the Planning Commission through the site review process: tool sheds, shade pavilions, rest-room facilities with composting toilets, indoor work areas, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, and children's play areas. All such structures/uses shall comply with the setback provisions for principal buildings of the zoning district in which this use is located.



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11.08 Educational facility, post-secondary

Description: A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.

Vehicle Parking: 0.5 spaces for each student during the largest class attendance period; plus 1 space for each employee on the largest work shift

Supplemental Standards:

The primary access to a post-secondary educational facility shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

11.09 Educational facility, pre-K through 12

Description: A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.

Vehicle Parking: 0.5 space for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at design capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

A temporary building may used as a classroom when an existing facility is being renovated or when school enrollment exceeds the capacity of the existing facility, provided such building complies with all building code requirements.



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11.10 Maintenance garage

Description: A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial zoning district.

11.11 Park

Description: A place where primarily outdoor recreational activities may occur. A park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members. A park may be developed with recreational facilities or undeveloped. When operated by a public entity, the term includes zoos, dog parks, and neighborhood recreation centers.

Vehicle Parking: 1 space for each 3 patrons at the peak use period

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to parks.

11.12 Public safety facility

Description: A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

Vehicle Parking: 1 space for each 500 gross square feet of office area; 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to public safety facilities.

11.13 Recreation trail

Description: A linear path, not otherwise part of a public park, that is dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to recreation trails.



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11.14 Worship facility

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.

Vehicle Parking: 1 space for each 4 patrons at design capacity; plus 1 space for each employee on the largest work shift



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Supplemental Standards:

(a) Required green space. If a worship facility is located in a residential zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

(b) Access requirements. If a worship facility has 600 seats or more, the primary access shall be off of a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.

(c) Limitations on events and functions. No event or function shall be conducted that creates a demand for parking spaces that is greater than the number provided on site, unless parking is allowed on the public road fronting on the site.

12 Telecommunications and Utilities

12.01 Radio broadcast facility

Description: A free-standing tower with or without an equipment compound and other structures that is intended for the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

Vehicle Parking: 1 space for each employee on the largest work shift



Supplemental Standards:

(a) Legislative findings. The Common Council makes the following legislative findings with regard to radio broadcast facilities:

- (1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(K)) that imposed limits on local municipalities with respect to regulating radio broadcast facilities within their jurisdictions.
- (2) The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed radio broadcast facilities.
- (3) The regulations in this section are intended to accomplish the following purposes, to the fullest extent permitted by law:
 - (i) protect the visual character of the City from the potential adverse effects of radio broadcast facilities; and
 - (ii) avoid damage to adjoining properties by establishing setback standards.

(b) Federal requirements. A radio broadcast facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate radio broadcast facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(c) Single parcel. The fall zone and all structures related to the radio broadcast facility shall be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(d) Fall zone and other setbacks. To ensure the fall zone for the tower is located entirely on the subject property, the center of the tower shall not be located closer to a property boundary line than height of the tower. If an applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone shall be the smaller calculated area, unless the City provides the applicant with substantial evidence that the engineering certification is flawed. In all cases, the tower and equipment compound and any related buildings shall be located no closer to a property boundary line than 50 feet or the setback requirements for the zoning district, whichever is greater. The fence around anchor points for a guyed tower shall be located at least 25 feet from a property boundary line.

(e) Security fencing. A tower and related equipment compound (but not buildings for offices or production), shall be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points shall be enclosed by a security fence.

(f) Lighting. A tower or any attachment shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views and be avian friendly.

(g) Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet shall be covered with building materials typically used on buildings found in the area.

(h) Emergency power system. A backup generator may be placed within the equipment compound.

(i) Landscaping. Landscaping shall be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Planning Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Planning Commission may waive this landscape requirement or defer the requirement to a later date.

(j) Lease agreement. If the operator of the radio broadcast facility does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. (l) and (m) of this section.

(k) Ongoing maintenance. The subject property shall be maintained and kept in a good condition, so as not to become a nuisance as determined by the Planning Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(l) Termination of approval. If the zoning administrator determines that the radio broadcast facility is unsafe or otherwise defective or that the radio broadcast facility has not been operating for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after the date of termination, the property owner shall remove the radio broadcast facility and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the City shall have the right to use the financial guarantee as required by this section to pay for such work.

(m) Financial guarantee. Prior to issuance of a building permit authorizing construction of a radio broadcast facility, the applicant shall submit a financial guarantee to the City pursuant to the requirements in Article 4 in the amount of \$20,000.00.[1] The financial guarantee shall be held until the radio broadcast facility is removed and the site restored to the satisfaction of the zoning administrator.

(n) Third party consultant. The zoning administrator may, at the applicant's expense, hire a third party consultant to conduct an objective analysis of the submitted materials including the application and calculation of the fall zone. The third party consultant may not charge the applicant for any travel expenses incurred in such review.

(o) Duration of approval. The approval authorizing a radio broadcast facility shall run with the land and shall be binding on successors in interest.

[1] Commentary: See s. 66.0404(4)(f), Wis. Stats.

12.02 Solar power plant

Description: A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Minimum lot area. The minimum area for a solar power plant is 3 acres.

(b) Setbacks. Solar panels and other related structures shall not be located within the building setback area. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

(c) Security fencing. With approval of the Planning Commission, a security fence (height and material to be established through the site plan review process) may be placed around the perimeter of the solar power plant. If a security fence is installed, Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(d) Identification sign. An identification sign no larger than 18 inches by 24 inches shall be placed in a visible location near the primary entrance of the site that lists (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

(e) Warning signs. Appropriate warning signage may be placed at the entrance and around the perimeter of the solar power plant project as approved through the site plan review process.

(f) Electric power lines. Power lines within a solar power plant shall be placed underground, except that power lines that leave the project site may be overhead.

(g) Approval by electric utility company. The owner/operator shall submit documentation acceptable to the zoning administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(h) Landscaping. As part of the site plan review process the Planning Commission shall require appropriate landscaping and/or other screening materials to help screen the solar power plant from public right-of-ways and neighboring residences. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Commission may approve, modify, or defer the requirement to a later date.

(i) Outdoor lighting. Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary for site security.

(j) Lease agreement. If the operator of the solar power plant does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. rights and responsibilities of each party with respect to subs. (l) and (m) of this section

(k) Ongoing maintenance. The solar power plant shall be properly maintained and kept in a good condition, so as not to become a nuisance. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(l) Termination of approval. If the zoning administrator determines that the solar power plant is unsafe or otherwise defective or that the site has not produced any electricity for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after termination, the property owner shall remove the solar power plant and all related equipment and improvements and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the 90-day period, the City shall have the right to use the financial guarantee as required by this section to pay for such work.

(m) Financial guarantee. Prior to issuance of a building permit authorizing construction of a solar power plant, the applicant shall submit a financial guarantee to the City pursuant to the requirements in Article 4 in the amount of \$20,000.00.[1] The financial guarantee shall be held until the solar power plant and related improvements are removed and the site restored to the satisfaction of the zoning administrator.



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(n) Solar access. The property owner may submit a solar access permit to the City pursuant to the provisions set forth in s. 66.0404, Wis. Stats.

[1] Commentary: See s. 66.0404(4)(f), Wis. Stats.

12.03 Stormwater management facility

Description: A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

A stormwater facility shall be designed to meet any requirements in the municipal code.



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12.04 Telecommunication collocation (class 1)

Description: The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to a class 1 telecommunication collocation.

12.05 Telecommunication collocation (class 2)

Description: The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to a class 2 telecommunication collocation.



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12.06 Telecommunication tower

Description: A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Vehicle Parking: 1 space

Supplemental Standards:

(a) Legislative findings. The Common Council makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

- (1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(l)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.
- (2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.[1]
- (3) The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.
- (4) The regulations in this section are intended to accomplish the following purposes, to the fullest extent permitted by law:
 - (i) protect the visual character of the City from the potential adverse effects of telecommunication facilities;
 - (ii) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided;
 - (iii) create and preserve telecommunication facilities that will serve as an important and effective part of the city's emergency response network;
 - (iv) minimize the number of towers by requiring collocation; and
 - (v) avoid damage to adjoining properties by establishing setback standards.

(b) Federal requirements. A telecommunication tower shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(c) Single parcel. The tower and all structures related to the telecommunication facility shall be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(d) Fall zone and other setbacks. To ensure the fall zone for the tower is located entirely on the subject property, the center of the tower shall not be located closer to a property boundary line than height of the tower. If an applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone shall be the smaller calculated area, unless the City provides the applicant with substantial evidence that the engineering certification is flawed.[2] In all cases, the tower and equipment compound shall be located no closer to a property boundary line than 50 feet or the setback requirements for the zoning district, whichever is greater. The fence around anchor points for a guyed tower shall be located at least 25 feet from a property boundary line.

(e) Security fencing. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, shall be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points shall be enclosed by a security fence.

(f) Lighting. A tower or any attachment shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views and be avian friendly.

(g) Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet shall be covered with building materials typically used on buildings found in the area.

(h) Emergency power system. A backup generator may be placed within the equipment compound.[3]

(i) Identification sign. An identification sign no larger than 18 inches by 24 inches shall be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency.

(j) Accommodation of other users on new towers (collocation). A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, shall accommodate at least two additional users, unless the zoning administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest shall allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Planning Commission determines the tower operator has made access to the tower and tower site unfeasible, the zoning administrator shall notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower shall become null and void and the tower shall be removed and the site restored within 90 days of such determination.

(k) Requirement for collocation. A new tower shall only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.[4] If the applicant does not provide such analysis and sworn statement, the application for a new tower shall be denied.[5]

(l) Collocation review. The collocation of an antenna or antenna array on an existing tower is permitted subject to site plan, building plan, and plan of operation review.

(m) Landscaping. Landscaping shall be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Planning Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Planning Commission may waive this landscape requirement or defer the requirement to a later date.

(n) Lease agreement. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. (p) and (q) of this section.

(o) Ongoing maintenance. The subject property shall be maintained and kept in a good condition, so as not to become a nuisance as determined by the Planning Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(p) Termination of approval. If the zoning administrator determines that the tower is unsafe or otherwise defective or that the tower has not hosted an operational antenna for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after the date of termination, the property owner shall remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the City shall have the right to use the financial guarantee as required by this section to pay for such work.

(q) Financial guarantee. Prior to issuance of a building permit authorizing construction of a tower, the applicant shall submit a financial guarantee to the City pursuant to the requirements in Article 4 in the amount of \$20,000.00.[6] The financial guarantee shall be held until the tower and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(r) Third-party consultant. The zoning administrator may, at the applicant's expense, hire a third-party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third-party consultant may not charge the applicant for any travel expenses incurred in such review.[7]

(s) Duration of approval. The approval authorizing a telecommunication tower shall run with the land and shall be binding on successors in interest.[8]

[1] Commentary: In particular see s. 704 of the act.

[2] Commentary: See s. 66.0404(2)(g), Wis. Stats.

[3] Commentary: See s. 66.0404(4)(j), Wis. Stats.

[4] Commentary: See s. 66.0404(2)(b)6, Wis. Stats.

[5] Commentary: See s. 66.0404(2)(e), Wis. Stats.

[6] Commentary: See s. 66.0404(4)(f), Wis. Stats.

[7] Commentary: See s. 66.0404(4)(f), Wis. Stats.

[8] Commentary: See s. 66.0404(4)(n), Wis. Stats.

12.07 Utility installation, major

Description: A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, underground pipelines, and hydroelectric facilities.



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Vehicle Parking: 1 space for each on-site employee on the largest work shift

Supplemental Standards:

If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building shall be compatible with residential buildings in regard to design and exterior materials.

12.08 Utility installation, minor

Description: A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 17).

Vehicle Parking: 1 space, although the zoning administrator may grant a waiver

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to minor utility installations.

12.09 Utility maintenance yard

Description: A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Outdoor storage. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(b) Control of fugitive dust. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

13 Transportation

13.01 Airport

Description: A place where airplanes, ultralights, helicopters, or similar aircraft may land and takeoff. This use may also include facilities for the housing and maintenance of the same and facilities for passenger ticket sales and accessory food service areas primarily intended for pilots and passengers.



Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

All buildings, outdoor airplane or helicopter storage areas, and other activity areas shall be located at least 100 feet from the perimeter of the airport property.

13.02 Bus storage facility

Description: A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Outdoor storage. Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.



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(b) Control of fugitive dust. As part of the site plan and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

13.03 Mass transit terminal

Description: A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

Vehicle Parking: 1 space for each 100 square feet of gross floor area devoted to a passenger waiting area; plus 1 space for each 300 square feet of gross floor area devoted to offices

Supplemental Standards:

The primary access to a mass transit terminal shall be located in close proximity to a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.



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13.04 Off-site parking lot

Description: A place where motor vehicles associated with an off-site use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to off-site parking lots.

13.05 Park-and-ride lot

Description: A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

The primary access to a park-and-ride lot shall be located in close proximity to a street classified as a major arterial or a higher classification as depicted on the official map adopted in ch. 13 of the municipal code.



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13.06 Railroad

Description: A linear strip of land with rail tracks and auxiliary facilities for track operation such as signal bungalows. The term does not include passenger stations, freight terminals, loading platforms, train sheds, warehouses, car or locomotive maintenance shops, and switchyards. The term further does not include properties owned by a railroad company that are leased for use by others.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Aside from generally applicable standards, no special standards apply to railroads.



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14 General Storage

14.01 Boat and RV yard

Description: An outdoor area where watercraft and recreational vehicles may be kept during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft or recreational vehicles while kept in storage.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

No portion of a boat yard and RV yard shall be located within a setback for the zoning district in which the use is located.



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14.02 Bulk fuel storage

Description: A place where liquid or compressed fuel products may be stored in bulk.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Additional standards. Upon recommendation of the fire chief, the reviewing authority may impose development standards when needed to

protect the public health, safety, and welfare.

(b) Access. A bulk fuel storage facility shall have legal and physical access to a street designated by the City as a truck route.



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14.03 Indoor boat storage

Description: A place where watercraft may be kept indoors during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft while kept in storage.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for the first 30 rental spaces or 2 spaces for more than 30 rental spaces

Supplemental Standards:

No special standards apply to indoor boat storage.

14.04 Personal storage facility

Description: A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.

Vehicle Parking: 1 space for each 50 rental units when an office is provided; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Minimum lot area. The minimum lot area is 2 acres in industrial districts and 5 acres in commercial zoning districts.

(b) Access. Access to a cubicle shall not open directly onto a public road right-of-way.

(c) Internal access drives. An internal access drive providing access to a storage unit must be hard surfaced.

(d) Storage of prohibited substances. No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

(e) Uses. Only uses that are accessory to storage shall occur. Human habitation, fabrication, repair, sales of any type including garage sales, and any similar use are prohibited.

(f) Fencing of outdoor storage area. An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence as approved by the Planning Commission through the site review process.

(g) Setback of outdoor storage area. Outdoor storage areas shall comply with the setback standards for the zoning district in which the use is located.

(h) Vehicle storage. When outdoor motor vehicle and watercraft storage is located in a commercial zoning district, the storage must be accessory to the principal building and use. Storage of motor vehicles and watercraft must be located behind the rear plane of the principal building and must be screened appropriately. There is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.



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14.05 Truck terminal

Description: A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(a) Setback of outdoor storage area. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(b) Control of fugitive dust. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use shall be addressed.

(c) Access. A truck terminal shall have legal and physical access to a street designated as a truck route.



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14.06 Warehouse

Description: A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(a) Setback of outdoor storage area. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(b) Control of fugitive dust. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

(c) Access. A warehouse shall have legal and physical access to a street designated by the City as a truck route.



15 Industrial and Manufacturing

15.01 Artisan shop

Description: A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

Vehicle Parking: 1 space for each 300 square feet of display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Generally. When an artisan shop is located in a commercial zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within an enclosed building.

(b) Demonstrations and workshops. The operator may conduct demonstrations and workshops within the confines of the building provided attendance at the event or function does not create a demand for parking spaces that is greater than the number provided on site, unless parking is allowed on the public street fronting on the site.



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15.02 Construction equipment repair

Description: A place where construction equipment, such as dump trucks, excavators, graders, and scrapers are typically left overnight for maintenance, service, or repair.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

Outdoor storage areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district. When allowed in a commercial zoning district, all repair work shall occur within an enclosed building. When allowed in an industrial zoning district, repair work may be conducted out-of-doors.



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15.03 Construction equipment sales and service

Description: A place where new and used construction equipment, such as dump trucks, excavators, graders, and scrapers are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

Display areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.



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15.04 Contractor yard

Description: A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

Vehicle Parking: 1 space for each employee working on site; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(a) Type of outdoor storage. Outside storage of construction equipment and fleet vehicles is allowed. Construction materials may be kept out of doors, provided such materials are being staged for a specific work project. The storage of construction debris, tree branches, wood chips,

and the like is strictly prohibited.

(b) Equipment repair and maintenance. The repair and maintenance of construction equipment and vehicles must occur within an enclosed building, unless specifically permitted in the conditional use order authorizing the use.

(c) Sales. The on-premise sale, at retail or wholesale, of any material is strictly prohibited.

(d) Incidental uses. Fabrication and assembly of component parts for use in a building project is permitted inside of a building on the subject property, provided such activity is of an incidental nature.

(e) Location of use areas. Outdoor storage areas and other activity areas related to this use may not be located (1) in the front-yard building setback area; (2) within 30 feet of a side or rear lot line when the adjoining property is located in a residential zoning district, an agricultural zoning district, or a planned development district that allows residential uses; (3) within 20 feet of a side or rear lot line when the adjoining property is located in a commercial zoning district; and (4) 10 feet from a side or rear lot line when the adjoining property is located in any other zoning district. Employee parking areas may be located in those areas otherwise allowed in the zoning code.

(f) Fencing. Depending on the scale and nature of the contractor yard, the Planning Commission may on a case-by-case basis require a solid fence, as approved by the Planning Commission, in those areas where screening is needed in the judgment of the Planning Commission to mitigate potential impacts to adjoining properties.

(g) Control of fugitive dust. As part of the site plan and operation plan review process, the control of fugitive dust (e.g., dust from a gravel yard) generated by this use, if any, shall be addressed to the satisfaction of the Planning Commission.

15.05 Light manufacturing

Description: A place where product manufacturing, assembly, printing and packaging, and other relatable activities occur and may coincide with another permitted use, such as office. Generally, activities shall be less intensive than manufacturing uses, be compatible with surrounding land uses, and not be detrimental (noise, vibration, odor, etc.) to surrounding properties.

Vehicle Parking: 1 space for each employee on the largest work shift, including administrative personnel; plus 1 space for each fleet vehicle parked on site.

Supplemental Standards:

(a) Exterior building appearance shall blend in with the surrounding neighborhood and show little to no signs of production or manufacturing activities being performed inside the building. At a minimum the primary building face fronting the street shall have masonry, glass, EIFS, and other aesthetic and architectural components.

(b) All activities, excluding loading and unloading, shall be conducted entirely within the confines of a building.

(c) Indoor storage of products or materials shall occur.

15.06 Manufacturing

Description: A place where products or parts are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(a) Restriction on location of manufacturing processes. All manufacturing processes shall be conducted entirely within the confines of a building.

(b) Location of outdoor activity areas. Outdoor activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

15.07 Salvage yard

Description: A place where salvage materials, such as scrap metal, rubber tires, and used timber and lumber, may be bought, sold, exchanged, stored, baled, packed, disassembled, or handled. (In contrast see recycling center.)

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Proximity to other specified property. All buildings, structures, and outdoor storage areas and any other activity areas shall be located at least 200 feet from a property in a residential zoning district, planned development district that allows commercial and/or residential uses, mixed-use district, or commercial zoning district.

(b) Landscaping. The reviewing authority shall require landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

(c) Fence. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store salvage materials.

(d) Fence plan. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.



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(e) **Compliance with state law.** A salvage yard located within 1,000 feet of a right-of-way of an interstate or primary highway shall comply with the requirements set forth in s. 84.31, Wis. Stats., and any administrative rule adopted pursuant to that section.

16 Solid Waste

16.01 Composting facility

Description: A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **Legislative intent.** A composting facility, if not properly designed and operated, has the potential to cause negative impacts to the natural environment, including water resources, and be harmful to the safety and general welfare of the City and its citizens. This section is therefore intended to define basic requirements necessary to protect the public while providing waste alternatives and promoting sustainability within the community.

(b) **Compliance with other requirements.** In addition to meeting the requirements in this section, a composting facility shall comply with all county, state, and federal regulations that may apply, including s. NR 502.12, Wis. Admin. Code.

(c) **Distance to specified features.** A composting facility shall not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

(d) **Setbacks.** All buildings, structures, and activity areas shall be located at least 100 feet from the perimeter of the site.

(e) **Location.** No portion of a composting facility used for storing compostable materials or composted materials or processing of compostable materials shall be located within an area determined to be within a 100-year floodplain.

(f) **Maximum capacity.** The reviewing authority may establish the maximum amount of compostable materials that may be stored and processed onsite. There is no limit on the amount of finished compost that may be stored.

(g) **Access.** A composting facility shall have legal and physical access to a street designated by the City as a truck route.

(h) **Buffer.** The reviewing authority may require fencing and/or landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

16.02 Recycling center

Description: A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yard.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **Compliance with other requirements.** In addition to meeting the requirements in this section, a recycling center shall comply with all county, state, and federal regulations that may apply.

(b) **Location of materials and activities.** All materials and activities, except loading and unloading of materials, shall be conducted entirely within the confines of a building.

16.03 Solid waste transfer station

Description: A place where solid waste may be temporarily stored prior to transport to a processing plant or to final disposal.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) **Compliance with other requirements.** In addition to meeting the requirements in this section, a solid waste transfer station shall comply with all county, state, and federal regulations that may apply.

(b) **Location of materials and activities.** All materials and activities, except loading and unloading of materials, shall be conducted entirely within the confines of a building.

(c) **Distance to specified features.** A solid waste transfer station shall not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

17 Accessory Uses

17.01 Accessory building, nonresidential

Description: A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. A detached building customarily found with a non-residential use as an accessory use. The term includes detached garages, storage sheds, and the like.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) **Number and floor area.** The number of nonresidential accessory buildings and the floor area must comply with standards set forth in Appendix C.

(b) **Exterior materials.** Exterior materials for a nonresidential accessory building with a floor area of more than 192 square feet shall be the same as, substantially the same as, or complement those materials used on the principal building.

(c) **Prohibition on specific materials.** Soft-sided structures and canopies are specifically prohibited.

(d) **Rooflines.** The roof lines of a nonresidential accessory building with a floor area of more than 192 square feet shall match the roof lines of the principal building to the greatest practical extent.



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17.02 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses, detached garages, sheds, gazebos, pool cabanas, and the like.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) **Number and floor area.** The number of residential accessory buildings and the floor area must comply with standards set forth in Appendix C.

(b) **Exterior materials.** Exterior materials for a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) shall be the same as, substantially the same as, or complement those materials used on the principal building.

(c) **Prohibition on specific materials.** Soft-sided structures and canopies are specifically prohibited.

(d) **Roof lines.** The roof lines of a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) shall match the roof lines of the principal building to the greatest practical extent.

(e) **Plumbing fixtures.** A residential accessory building may have a single compartment bar sink and separate half-bath (toilet and a lavatory sink in a single room). If the detached building is directly related to an outdoor swimming pool or an outdoor sauna, such building may also have a standup shower. Bath tubs are prohibited in all accessory buildings.

17.03 Accessory dwelling unit (ADU)

Description: A second dwelling unit that is located on the same lot as a principal dwelling unit and is subordinate to the principal dwelling unit. An ADU may be attached to the principal dwelling unit, detached, or located in another building (e.g., above a garage).

Vehicle Parking: 1 space

Supplemental Standards:

(a) **Legislative intent.** Accessory dwelling units represents a way to increase the housing stock in the City and promote housing choice and affordability. Accessory dwelling units must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit.

(b) **Location.** An accessory dwelling unit shall only be located on the upper floor of a detached garage that is located in the rear yard and complies with all setback requirements for the zoning district in which the subject property is located. If a variance is granted allowing construction of the garage closer to a property boundary line than what is otherwise allowed in the zoning district, such garage is not eligible to also include an accessory dwelling unit.

(c) **Character of building.** Any exterior changes or additions for an accessory dwelling unit shall be constructed of similar materials and shall be architecturally compatible with the principal dwelling unit.

(d) **Size limitation.** The floor area of the accessory dwelling unit shall not be more than 65 percent of the total floor area of the principal dwelling unit up to a maximum of 700 square feet.

(e) **Number.** There shall be no more than one accessory dwelling unit on the subject property.

(f) **Lot area.** The lot containing an accessory dwelling unit shall be at least 2,500 square feet greater than the minimum lot area for the zoning district in which the lot is located.

(g) **Owner occupancy required.** The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit.

(h) **Walkway.** There shall be an unobstructed walkway leading from the public street to the accessory dwelling unit.

(i) **Compliance with building codes.** Prior to establishment of an accessory dwelling unit, the building inspector shall certify that the garage meets all applicable building codes. In addition, an accessory dwelling unit shall comply with all applicable building codes.



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17.04 Adult family home (accessory)

Description: A private residence licensed by the state under s. 50.032 (1m), Wis. Stats.

Note: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Prior to the establishment of an adult family home, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

17.05 Amateur radio and/or citizens band antenna

Description: An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) **Legislative findings.** The Common Council makes the following legislative findings regarding amateur radio and/or citizens band antennas:

(1) The placement of amateur radio antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the city.

(2) Pursuant to s. 59.69(4f), Wis. Stats., the regulations in this section constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.

(b) **Number.** Antennas shall be placed on no more than 2 support structures, such as a tower or on top of a building.

(c) **Type of tower.** An antenna may be placed on a monopole or lattice tower.

(d) **Anti-climbing measures required.** If a tower is used to support the antenna, the tower shall have anti-climbing measures to prevent unauthorized climbing.

(e) **Placement.** An antenna shall not be located in a front yard.

(f) **Setback requirements.** The center of the antenna shall be no closer than 110 percent of the total height of the antenna to a lot line and overhead electric lines.

17.06 Bed and breakfast

Description: A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner.

Vehicle Parking: 1 space for each guest room

Supplemental Standards:

(a) **State permit.** Prior to the establishment of a bed and breakfast, the operator shall obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such permit.[1]

(b) **Display of permit.** The operator shall display the current bed and breakfast permit in a conspicuous location inside the bed and breakfast.

(c) **Accommodations tax.** Prior to the establishment of a bed and breakfast, the operator shall obtain any permit or license, as may be required by the City, for the purpose of collecting an accommodations tax as may be adopted by the City and/or any other purpose.

(d) **Registry.** The operator of the bed and breakfast shall keep an accurate register showing the names of all guests. This registry shall be kept on file for a period of one year and shall be available for inspection by city officials at any time upon request.

(e) **Compliance with applicable building codes.** Prior to the establishment of a bed and breakfast or the expansion of an existing bed and breakfast, the building inspector shall certify that the dwelling meets all applicable building code requirements.[2]

(f) **Type of dwelling.** A bed and breakfast shall only occur within a single-family dwelling.

(g) **Exterior character of the dwelling unit.** The exterior appearance of the building shall not be altered from its single-family appearance.

(h) **Residency requirement.** The operator of a bed and breakfast shall reside in the single-family dwelling during those times when one or more of the rooms are occupied.

(i) **Number of allowable guest rooms.** No more than 8 guest rooms shall be offered.

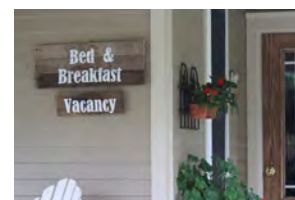
(j) **Number of guests.** There shall not be more than a total of 20 guests at any one time.

(k) **Food preparation.** No food preparation or cooking shall be allowed in guest rooms.

(l) **Meals.** Meals shall only be offered to overnight guests.

(m) **Maximum stay.** The maximum stay for any occupant is 14 consecutive days in any 30-day period.

(n) **Change in ownership.** When a bed and breakfast is approved as a conditional use, such approval is personal to the applicant. Thereafter, any change in ownership shall require issuance of a new conditional use approval pursuant to the procedures and requirements in effect at the time an application is made.



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[1] Commentary: See subch. VII of ch. 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: Bed and breakfasts must comply with the residential building code requirements; the commercial building code does not apply because the dwelling is the operator's residence and the operator is residing in the residence when guests are present.

17.07 Boat dock

Description: A pier or wharf.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

A boat dock must comply with all rule and regulations established in state statutes and administrative rules established pursuant to those statutes.

17.08 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Other permits. The property owner shall obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.

(b) Allowable uses. The use of a boathouse is limited to the storage of watercraft and related equipment. A boathouse shall not be used for human habitation.

(c) Yard setbacks. A boathouse may be located within a shoreyard, but shall be no closer than 10 feet to the ordinary high-water mark of the stream or lake on which it fronts. A boathouse shall not be closer than 3 feet to a side lot line.

(d) Number. No more than one boathouse shall be located on a parcel of land.

(e) Floor area. The boathouse shall contain at least 200 square feet of floor area but not more than 400 square feet.

(f) Access door requirement. A boathouse shall have a garage-type door on the side of the building facing the water.

(g) Plumbing fixtures. A boathouse may contain plumbing for 2 sinks, one toilet, and one standup shower, provided such fixtures are connected to an approved wastewater system.

(h) Use of flat roof. If the boathouse has a flat roof, the rooftop area may be used as an outdoor living area, provided the roof is designed for such use and otherwise meets applicable building codes (e.g., safety railing) and the top of the railing shall not be higher than the maximum height for accessory buildings in the zoning district in which it is located.

(i) Construction standards. A boathouse shall be placed on a continuous perimeter foundation that extends below the frost line or on a concrete slab.

(j) Human habitation. A boathouse shall not be used for human habitation.



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17.09 Exterior communication device

Description: An antenna used to capture wireless telecommunication signals.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 10 feet above the roofline.

17.10 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

Note: See s. 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (4.0 series)

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Prior to the establishment of a family day care home, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.

17.11 Fence

Description: A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, metal, wire, masonry, stacked rocks, or logs.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Fences must comply with all applicable provisions in Article 15 of the zoning code.



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17.12 Firewood storage

Description: Storage of firewood for use on the premises.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Location. Firewood shall only be stored in the side and rear yard, except that firewood may be temporarily stored in the front yard or side yard for a period not exceeding 10 days from the date of delivery.

(b) Setbacks. Firewood may not be stacked closer than 2 feet to a side or rear lot line and not higher than 8 feet above grade, except adjacent to a fence where firewood can be stacked no higher than the height of the fence. Fences as used in this section do not include hedges and other vegetation.

(c) Debris removed. All brush, debris, and refuse relating to the processing of firewood onsite shall be removed within 5 days of the date of delivery.

(d) Diseased wood. Woodpiles shall not contain diseased wood that is capable of transmitting disease to healthy trees.

(e) Lot coverage. Not more than 10 percent of the side and rear yard may be used for storage of firewood.



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17.13 Foster home and treatment foster home

Description: A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.

Note: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

17.14 Home occupation

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted entirely within a dwelling unit and is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.

Vehicle Parking: 1 space for a company vehicle, as may be permitted

Supplemental Standards:

(a) Validity of use. The individual primarily responsible for operating the home occupation shall reside in the dwelling unit on the parcel.

(b) Location and space limitation. The home occupation shall occur entirely within the dwelling unit. The space specifically designated for use of the home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

(c) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.

(d) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(e) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(f) Retail sales. Retail sale of merchandise that is assembled, produced, or fabricated on the premises is permitted. Such items, however, shall not be displayed out of doors or in any window. Retail sale of merchandise that is not assembled, produced, or fabricated on the premises is prohibited, except the incidental retail sales may be made in connection with other permitted home occupations. For example, a single-chair beauty parlor could sell combs, hair spray, and other miscellaneous items to customers.

(g) Limitation on customer traffic. A home occupation shall not generate more than 10 customer trips per business day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.

(h) Nuisance. A home occupation shall not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(i) Special exception for an operator with a disability. Consistent with the procedures and requirements of Article 21, the Planning Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.

(j) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.



17.15 Household livestock

Description: A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes. (The term does not include backyard chickens.)

Vehicle Parking: On-site parking is not required

Supplemental Standards:

- (a) **Minimum lot area.** A minimum lot area of 3 acres is required for household livestock.
- (b) **Number of animals.** The number of animals shall not exceed one animal unit for each full acre enclosed by fencing using the animal unit factors in Appendix E. The zoning administrator is authorized to determine an appropriate animal unit factor for any animal not listed.
- (c) **Prohibited animals.** The keeping of hogs, male goats, roosters, or fur-bearing animals, other than rabbits, is prohibited.
- (d) **Location of new buildings.** A building that houses household livestock shall not be located within a floodplain, or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 50 feet to any property boundary line.
- (e) **Fencing.** Any area where household livestock are allowed to pasture or run shall be adequately fenced to keep them confined to such area. Any such fence shall be located not less than 6 feet from any property boundary line.



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17.16 In-law dwelling unit

Description: A room or suite of rooms having a separate kitchen facility, located in a single-family dwelling, occupied by not more than two persons related by blood or marriage to the family occupying the primary portion of the dwelling.

Vehicle Parking: 1 space (in addition to required parking for the single-family residence)

Supplemental Standards:

- (a) **Compliance with building codes.** Prior to establishment of an in-law dwelling unit, the building inspector must certify that the single-family dwelling meets all applicable building codes.
- (b) **Limitation on floor area and bedrooms.** The maximum living area in an in-law unit must not exceed 800 square feet for a one-bedroom unit and 900 square feet for a two-bedroom unit.
- (c) **Exterior appearance.** The architecture of the residence must be compatible with the adjacent residential neighborhood and appear to be a single-family residence.
- (d) **Exterior doors.** An in-law dwelling unit shall not have a primary exterior door. A patio-type door is allowed as a secondary exterior door if it opens onto a deck or patio and does not face the front of the lot.
- (e) **Interior door between units.** The Planning Commission may determine that it is appropriate to have an interior door between the living units.
- (f) **Deed restriction.** Prior to the establishment of an in-law dwelling unit, the property owner must file a deed restriction in the Wood County register of deeds office, acceptable to the zoning administrator, that includes a statement that the living unit is for family members of the principal dwelling unit only and the approval of an in-law dwelling unit is not transferable to another property owner without formal approval of the Planning Commission, and other provisions deemed appropriate by the reviewing authority.
- (g) **Required actions following termination of use.** At such time as the in-law dwelling unit is no longer occupied by a person that is related by blood or marriage to the family occupying the primary portion of the single-family dwelling, the property owner must remove the stove and/or oven in the in-law dwelling unit or in the other dwelling unit and the interior door separating the two units, if allowed, must be removed.

17.17 Kennel, hobby

Description: A place where [5] or more, but less than [11] adult dogs or other pet animals are kept for the occupant's private, non-commercial purposes. The term also includes the sale and training of up to 2 litters per year.

Note: A commercial kennel is considered a principal use and is therefore listed in Series 9.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

If the keeping of animals allowed as a hobby kennel becomes a nuisance to the neighborhood, as determined by the Planning Commission or the Common Council, the Common Council may take appropriate steps to terminate the use consistent with Article 5.

**17.18 Light industrial use incidental to sales/service**

Description: A place where light repairs are made to products that are offered for retail or wholesale sale.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

- (a) **Maximum floor area.** The total floor area devoted to the light industrial activity shall not exceed 15 percent of the total floor area of the building, or 5,000 square feet, whichever is less.
- (b) **Required separation.** The area devoted to the light industrial activity shall be physically separated by a wall or partition from other activity areas.

17.19 Outdoor food and beverage service

Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can consume food and drink.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater

Supplemental Standards:

(a) Maximum size of service area. The size of the outdoor service area shall not be more than 50 percent of the floor area of the brewpub, restaurant, or tavern.

(b) Location of service area. The outdoor service area shall be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area shall not be located in a public right-of-way, a required landscape area, or the setback of a front yard, side yard, shore yard, or rear yard.

(c) Consistency with state liquor license. No alcohol beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the City, explicitly states that consumption is permitted within the outdoor service area.

(d) Entrance to service area if alcohol beverages are served. If alcohol beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.

(e) Restroom requirements. The restroom facilities in the brewpub, restaurant, or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.



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17.20 Play structure

Description: A playhouse and recreational equipment, such as swings, slides, and jungle gyms, normally found in a residential setting or with a group day care center.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

A play structure shall comply with the setback requirements for accessory structures in the zoning district in which this use is located.



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17.21 Pond

Description: A manmade body of water with a surface area observed or recorded within the last ten years of at least 5,000 square feet that is not otherwise required to meet stormwater requirements of a development project.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Minimum lot area. A minimum lot area of 3 acres is required for a pond.

(b) Pond design. A pond shall not create the potential for flooding, concentrated runoff, inadequate drainage, or unfavorable topography.

(c) Placement. A pond shall be located at least 75 feet from all property boundary lines.

17.22 Retaining wall

Description: A structure, more than 18 inches above grade, that is constructed to resist the lateral pressure of soil, loose rock, and the like creating a step in the grade of a site.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Maximum height. The maximum height of a retaining wall is 4 feet above finished grade. A second retaining wall may be used provided the base of the second wall is setback from the top of the first wall a distance that is equal to or greater than the height of the second retaining wall.

(b) Setback, side and rear yard of the retaining wall. For example, if a retaining wall is 3 feet in height, it must be at least 3 feet from the lot line.

(c) Setback, front yard. A retaining wall located in the front yard must be setback from the front lot line at least 6 inches.



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17.23 Sales incidental to industrial use

Description: A place where items manufactured on site are offered for sale as a subordinate use to the manufacturing operation.

Vehicle Parking: 1 space for each 300 square feet of retail floor area

Supplemental Standards:

(a) Maximum floor area. The total floor area devoted to indoor sales shall not exceed 25 percent of the total floor area of the building.

(b) Required separation. The area devoted to wholesale/retail sales shall be physically separated from those areas used for industrial purposes by a physical barrier such as a full-height interior wall or a half-wall.

17.24 Service window, drive-up

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Crosswalks. A pedestrian crosswalk shall be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.

(b) Length of queue lane. The lane leading up to a drive-up service window shall be of sufficient length so that at the anticipated customer peak, all motor vehicles waiting in queue will be entirely on the premises.

(c) Location. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.



17.25 Service window, walk-up

Description: An opening in a building through which patrons are served while standing outside of the building.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

A walk-up service window shall not be located within 8 feet of a setback of a front yard, side yard, shore yard, or rear yard.

17.26 Solar energy system, building-mounted

Description: An installation that is mounted on a building and uses sunlight to produce electricity or provide heat or hot water to a building.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Maximum surface area. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.

(b) Maximum height. A building-mounted solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.

(c) Placement on a roof. The panels of a solar energy system that are mounted on a roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

(d) Placement on a façade. A solar energy system may be mounted on the façade of a commercial building if integrated into the overall design of the building. Such installations shall not project more than 4 feet from the face of the wall.

(e) Certification. A solar panel shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(f) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(g) Termination of use. If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to the termination of an approval.

(h) Compliance with state law. The provisions in this section are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case by case basis, if the restrictions of this subsection are found not to comply with the authority of s. 66.0401(1m), Wisconsin Statutes, they shall not be required. The Planning Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

(i) Solar access. The property owner may submit a solar access permit to the City pursuant to the provisions set forth in s. 66.0404, Wis. Stats.



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17.27 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to a building.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Surface area. The surface area of a free-standing solar energy system shall not exceed 5 percent of the lot area.

(b) Number. There is no limit on the number of free-standing solar energy systems on a parcel of land.



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(c) Maximum height. A free-standing solar energy system in any position shall not exceed 15 feet in height as measured from the surrounding grade.

(d) Setback. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow a free-standing solar energy system to extend into a setback when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(e) Placement in yards. A free-standing solar energy system located in a residential or commercial zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in Article 5, the Planning Commission may approve a special exception to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in a manufacturing zoning district may be located in any yard area.

(f) Certification. A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(g) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(h) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to the termination of an approval.

(i) Compliance with state law. The provisions in this section are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case-by-case basis, if the restrictions of this subsection are found not to comply with the authority of s. 66.0401(1m), Wisconsin Statutes, they shall not be required. The Planning Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

(j) Solar access. The property owner may submit a solar access permit to the City pursuant to the provisions set forth in s. 66.0404, Wis. Stats.

Commentary: If the total surface area of the solar energy system exceeds the standards stated in this section or if two or more separate arrays are used, such use is considered a principal use and is listed in the 12 series.

17.28 Storage container

Description: An enclosed metal container exceeding 900 cubic feet typically used to temporarily store merchandise.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Location. A storage container in a commercial zoning district shall only be located in a rear yard, but not within a setback or in a parking area required by this chapter.

(b) Stacking prohibited. Storage containers shall not be stacked one on top of another.

(c) Character. A storage container shall be structurally sound and in good repair as determined by the building inspector.



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17.29 Swimming pool

Description: An outdoor structure placed on the ground surface or below-ground that is filled with water for swimming. The term does not include those pools with a maximum diameter of 15 feet and a maximum wall height of 15 inches and which are taken down and stored in the off-season.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Location. A swimming pool shall not be located closer than 10 feet to the principal structure. A swimming pool may only be located in a side or rear yard, but not closer than 6 feet to a property boundary line or the minimum setback for an accessory building whichever is greater. A swimming pool shall have a horizontal separation distance of at least 15 feet from any septic tank or soil absorption field. The inside wall of the pool shall be located at least 10 feet from the vertical plane formed by the electrical wire perpendicular to the ground surface. The filter unit, pump, heating unit, and any other mechanical equipment shall be located at least 15 feet from a property boundary line.

(b) Patios. Patios around a pool must be at least 5 feet from a property boundary line.

(c) Decks. Decks around a pool must be at least 5 feet from a property boundary line.

(d) Draining of water. Water that is drained out of a swimming pool shall not flow onto adjoining property without the property owner's explicit approval, into a wetland, into a navigable waterbody, or into a sanitary sewer without the approval of the public works director.

(e) Area. The ground area of a swimming pool shall not exceed 30 percent of the rear and side yards of the parcel on which it is located.



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(f) Design specifications. A swimming pool shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.

(g) Fencing. A fence shall be located around a swimming pool consistent with the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing. Any swimming pool existing as of August 1, 2018 that does not meet the fencing requirements shall comply with the fencing requirements before water is placed in the pool.

17.30 Utility cabinet

Description: A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, or similar public service to properties in the area. A utility cabinet may be located within a public right-of-way or on private property.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(a) Number limited. No more than 4 utility cabinets shall be located on a parcel of land. Five or more utility cabinets on a parcel of land shall be considered a minor utility installation. A utility cabinet is considered an accessory use in all situations and may be placed on private property and public property, such as a public right-of-way.

(b) Setbacks. A utility cabinet is exempt from yard setback standards as may be established for the zoning district in which this use is located.

(c) Placement on private property. Prior to establishing a utility cabinet on private property, the operator and property owner shall establish a proper lease or easement governing the use of the property for this purpose and submit the same to the zoning administrator for his or her approval.

(d) Placement on public property. Prior to establishing a utility cabinet on public property under the jurisdiction of the city, county, or state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

(e) Placement in a stormwater easement. Prior to establishing a utility cabinet within a stormwater management easement under the jurisdiction of the city, county, or state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.



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17.31 Work/live dwelling unit

Description: A dwelling unit located in a building also housing a business. The work/live dwelling unit is an accessory use to the business and its use is limited to the business operator or a household that includes the business operator.

Vehicle Parking: 2 spaces for the dwelling, plus parking for the business

Supplemental Standards:

(a) Number. No more than one work/live dwelling unit shall be located on the subject property.

(b) Occupancy. A work/live dwelling unit shall be occupied and used only by the operator of the business, or a household of which at least one member shall be the business operator. If the business operator ceases to occupy the work/live dwelling unit for more than 12 months, the floor area of the work/live dwelling unit shall be converted to business purposes. If both the business area and the work/live dwelling unit are unoccupied, the work/live dwelling unit may remain during the vacancy.

(c) Sale or rental of portions of unit. No portion of a building with a work/live dwelling unit may be rented, leased, sold, or otherwise conveyed to any person not living in the work/live dwelling unit.

(d) Prohibited uses. A work/live dwelling unit shall not be established or used in conjunction with any of the following activities even if otherwise permitted in the zoning district:

(1) adult-oriented establishment;

(2) motor vehicle or heavy equipment maintenance or repair;

(3) any use that stores or uses flammable, combustible, or hazardous materials beyond that normally associated with a residential use; and

(4) any use, as determined by the reviewing authority, that is likely to not be compatible with residential activities because of the type of materials or processes used in the business operation or the presence of dust, glare, heat, noise, gasses or other emissions, odor, smoke, vibration, or any other similar or related condition created by the business operation.

(e) Floor area. The floor area of a work/live dwelling unit shall not exceed 30 percent of the floor area of the entire building in which the unit is located, or 1,200 square feet, whichever is less. The remaining floor area shall be reserved and regularly used for business purposes.

(f) Exterior door. There shall be an exterior entrance door to the work/live dwelling unit that is clearly separated from the entrance to the business.

(g) Restriction on future land division changes to lot lines. The subject property shall not be subdivided or otherwise divided by any means so long as the live/work dwelling unit is being occupied for residential purposes. Further, the location of the lot lines shall not be altered by any means without the written approval of the Planning Commission.

(h) Imposition of conditions. The reviewing authority may establish conditions of approval that in the opinion of the reviewing authority, are needed to ensure the work/live dwelling unit is compatible with the business on the subject property and the commercial or industrial use of other properties in the vicinity.

(i) Deed restriction. Prior to the establishment of a work/live dwelling unit, the property owner shall file a deed restriction in the Wood County register of deeds office, acceptable to the zoning administrator, that includes one or more of the use or operational requirements contained in

this section and other provisions deemed appropriate by the zoning administrator or other reviewing authority.

(j) Required findings. As part of the review process, the reviewing authority shall only approve a work/live dwelling unit after making a positive finding for all of the following requirements:

- (1)** The building containing the work/live dwelling unit contains a bona fide business that is otherwise permitted in the zoning district in which it is located.
- (2)** The establishment of the work/live unit dwelling unit will not conflict with or inhibit permitted business uses in the area.

18 Temporary Uses

18.01 Contractor's office

Description: A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

- (a) Generally.** A contractor's office may be established for commercial and industrial construction projects, and townhomes and multi-family residential projects with 15 or more dwelling units.
- (b) Duration of use.** A contractor's office shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.
- (c) Location.** A contractor's office shall be placed in a location with the least impact to adjoining property owners.
- (d) Limitation on use.** The use of a contractor's office shall be limited to construction management activities related to the construction project on the parcel of land on which it is located.
- (e) Review as a conditional use.** A contractor's office that is on site for more than 365 days shall be reviewed as a conditional use.



18.02 Earth materials stockpile

Description: A place where an earth material (e.g., topsoil or gravel) is piled and temporarily stored. The earth material must be derived from an on-site land development project and/or be used on site.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

- (a) Hours of operation.** When the earth materials stockpile is located within or next to a residential zoning district or a planned development district that allows residential uses, equipment used to load, move, or process materials shall only be used between the hours of 7:00 a.m. and 7:00 p.m.
- (b) Term of use.** As part of the site plan/operation plan review, the reviewing authority may establish the maximum length of time this use may operate.



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18.03 Farmers market

Description: A place where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers.

Vehicle Parking: 1.5 space for each vendor space when sufficient on street parking is not available

Supplemental Standards:

- (a) Hours of operation.** The display of products and sales shall only occur between the hours of 7:00 a.m. and 30 minutes past sunset.
- (b) Removal and clean up.** All features solely associated with the farmers market shall be removed and all trash and debris shall be removed within 24 hours following the close of the farmers market.



18.04 Farmstand, off-site

Description: A place where agricultural products not produced on the premises are offered for sale at retail.

Vehicle Parking: 2 spaces

Supplemental Standards:

- (a) Size limitation.** If a structure or building is used, the ground area shall not exceed 500 square feet.
- (b) Hours of operation.** The sale of items shall not occur before 7:00 a.m. or after 30 minutes past sunset.
- (c) Number.** No more than one stand is allowed on any one premises.



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18.05 Farmstand, on-site

Description: A place where agricultural products produced exclusively on the premises are offered for sale at retail.

Vehicle Parking: 2 spaces

Supplemental Standards:

- (a) **Limitation on sales.** Products offered for sale shall be produced on the premises.
- (b) **Hours of operation.** If this use is located in a residential zoning district or a planned development district that allows residential uses, the hours of operation are limited to sunrise to sunset.
- (c) **Use of structure.** A structure may be used to store or display products and for sales, provided the following conditions are met:

- (1) **Term of use.** The structure is only used from April 1 through November 30 and is removed no later than December 3.
- (2) **Floor area.** The floor area of the structure shall not exceed 500 square feet.
- (3) **Structure height.** The height of the structure shall not exceed 12 feet.
- (4) **Location.** The structure may be located within the front-yard setback area but no closer than 15 feet to the lot line.



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18.06 Model home

Description: A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

- (a) **Generally.** A model home may only be established when the residential project in which it located is developed by a single developer and the project will have 3 or more dwelling units.
- (b) **On-street parking required.** A model home may only be established when on-street parking is permitted on the street directly in front of the model home.
- (c) **Appearance.** The dwelling unit used as a model home shall be of the same type and character as the dwelling units being offered for sale within the development.
- (d) **Duration of use.** The model home shall operate for no more than 3 years. Prior to the expiration of this time period, the model home shall be closed when 80 percent of the dwelling units within the entire development have been sold.
- (e) **Limitation on use.** The model home is intended to facilitate the sale of residential housing units in the development in which it occurs and off-site sales activity shall be clearly incidental. The model home may be furnished but shall not be occupied as a residence.
- (f) **Hours of operation.** The model home may not be open between 8:00 pm and 8:00 am, except by appointment.
- (g) **Conversion.** Upon cessation as a model home, the property owner shall take all necessary actions to convert the building to a dwelling unit.



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18.07 Nonmetallic mine

Description: A place where nonmetallic minerals are removed from the ground by any method for use on-site or off-site for no more than 3 years. The following activities may be associated with a nonmetallic mine: excavating and transporting nonmetallic minerals, stockpiling of nonmetallic minerals, blending of nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering. The term does not include (1) premining activities, such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit application; (2) excavations in conjunction with a utility installation, which is to be backfilled; (3) excavations within the limits of a public right-of-way in conjunction with road construction or reconstruction, when construction plans have been approved by the Wisconsin Department of Transportation or other governmental authority; (4) excavations which by nature is of limited duration, such as graves, septic tanks, and swimming pools; (5) agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property; (6) excavations for structures and parking areas; (7) stripping of up to 1.5 feet of topsoil for the development of subdivisions, following subdivision approval; (8) regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property; (9) dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or other governmental authority; (10) ponds developed for wildlife purposes, if no material is removed from the property; (11) excavation related to sod farming; (12) reclamation of an existing nonmetallic mine consistent with an approved reclamation plan; (13) activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under ss. 144.435—144.445, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60—144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering such disposal site; and (14) any other use determined to be exempt by the Planning Commission.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

- (a) **Air quality.** Particulate emissions must comply with ch. NR 415, Wis. Admin. Code.
- (b) **Blasting.** Blasting with explosives, if otherwise allowed, must shall comply with ch. Comm 7, Wis. Admin. Code
- (c) **Reclamation.** The operator of a nonmetallic mine must reclaim the site so that it can be used for a residential, commercial, industrial or civic purpose as approved by the Planning Commission and in compliance with an approved mining reclamation plan.
- (d) **Minimization of noise, dust, and vibrations.** Roads, machinery, and equipment shall be located, constructed, and used in such a manner as to minimize noise, dust, and vibrations.
- (e) **Hours of operation.** A nonmetallic mine shall not be operated on Sunday and may be operated Monday through Saturday during the standard hours of operation specified in the table below based on the proximity of the site to a residence or commercial establishment open to

the public. Upon written request, the Planning Commission may authorize specific activities past the standard hours of operation but no later than the hour specified in the table below for limited or temporary periods taking into account the proximity and nature of adjoining uses and the extent of noise, dust, and vibration associated with the activity. Such approval shall be in writing and shall specify the time period the extended hours of operation are in effect, the activities that are permitted, and conditions, if any, the commission may impose to address off-site effects.

Permissible hours of operation for a nonmetallic mine

Proximity of Site to Specified Uses	Day	Standard Hours of Operation	Extended Hours of Operation With Approval of Planning Commission
Lot line of the site is located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 p.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 2:00 p.m.	From 2:00 p.m. to 7:00 p.m.
Lot line of the site is not located within 500 feet of a residence or commercial establishment open to the public	Monday through Friday	From 6:00 a.m. to 6:00 p.m.	From 6:00 p.m. to 10:00 p.m.
	Saturday	From 6:00 a.m. to 6:00 p.m.	From 6:00 p.m. to 10:00 p.m.

(f) Locational requirements. A nonmetallic mine shall comply with the following distance requirements:

- (1) 500 feet minimum from a residential zoning district or a planned development district that allows residential uses
- (2) 200 feet from all property boundary lines

(g) Plan of operation. A nonmetallic mine, including those that existed before August 1, 2018, shall prepare a plan of operation for the site that includes (1) a statement of ownership of the parcel and control of the operations; (2) a site plan, drawn to scale, showing the lateral extent of existing and proposed excavations; the location and width of all easements and right of way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas; and (3) cross sections of the site, drawn to scale, that show the vertical extent of existing and proposed excavations.

(h) Term of permit. Under this chapter, a nonmetallic mine is a temporary use for the term set forth in the definition for this use, or for a lesser term if so specified in the conditional use order.

(i) Transfer of permit. When an operator succeeds to the interest of another in an uncompleted site, the Common Council shall release the present operator of the responsibilities imposed by the permit only if:

- (1) both operators are in compliance with the requirements and standards of this section, and
- (2) the new operator assumes the responsibility of the former operator's permit requirements.

18.08 Off-site construction yard

Description: A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).

Vehicle Parking: 0.5 space for each dwelling unit, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(a) Setback requirements. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(b) Site restoration. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the parcel that will be disturbed and how those areas will be restored following the cessation of this temporary use.

(c) Financial guarantee. Prior to the establishment of an off-site construction yard, the property owner shall submit a financial guarantee to the City pursuant to the requirements in Article 4 in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

18.09 Party tent

Description: A nonpermanent tent that is associated with a temporary event that is permitted under this code.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Duration. A party tent shall not be erected for more than 7 continuous days.



(b) Not counted as a building. A party tent does not count as a building with regard to the maximum number of buildings allowed on a parcel.

18.10 Portable storage container

Description: An enclosed metal container that is used to temporarily store household items and similar goods.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Duration. A portable storage container shall not be located on a parcel of land for more than 60 days during any 9-month period. A 30-day extension may be granted with proof of a valid building permit.

(b) Location. A portable storage container shall not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway. In no case shall the portable storage container be located within the public right-of-way.

(c) Maximum floor area. The cumulative floor area of one or more portable storage containers shall not exceed 250 square feet.^[1]

(d) Limitation on use. When located in a residential zoning district or a planned development district that allows residential uses, a portable storage container shall only be used to store household goods during an on-site construction/remodeling project or when used to move household goods to another location.



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^[1] Commentary: Although portable storage containers come in different sizes, units are generally 10 feet by 10 feet and 10 feet by 15 feet.

18.11 Seasonal product sales

Description: An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween.

Vehicle Parking: Determined on a case-by-case basis, but not less than 2 when on street parking is not available

Supplemental Standards:

(a) Duration of use. Merchandise shall not be sold any sooner than 30 days prior to the date of the seasonal event. Cleanup and removal of all related items shall be completed within 2 days following the date of the seasonal event.

(b) Removal and clean up. Within 24 hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds shall be removed from the site.

(c) Not counted as a building. A tent used for the sales operation does not count as a building with regard to the maximum number of buildings allowed on a parcel.



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18.12 Sidewalk café

Description: An outdoor dining area located on public property, typically a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater if on-street parking is not readily available as determined by the zoning administrator

Supplemental Standards:

(a) Legislative findings. To further encourage the revitalization of the downtown and other areas of the City, including the development of social and economic activity, the City Council finds and determines:

- (1) That there exists a need for outdoor eating facilities in certain areas of the City to provide a unique environment for relaxation, social interaction, and food consumption.
- (2) That sidewalk cafés will permit enhanced use of the available public rights-of-way, will complement restaurants operating from fixed premises, and will promote economic activity in the area.
- (3) That the existence of sidewalk cafés encourages additional pedestrian traffic but their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of sidewalk cafés to ensure a safe environment.
- (4) That the establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect the public health safety and welfare.

(b) General location. Sidewalk cafés may be permitted on public sidewalks and parking space decks only on that portion of the public sidewalk or parking space deck that is directly adjacent to the building, or portion of the building, where the operator's restaurant business is located, and shall not be in conflict with zoning requirements.

(c) Unobstructed sidewalk, hydrants, standpipes. The operator shall provide at least 5 feet of unobstructed sidewalk for pedestrian right-of-way past the sidewalk café, and shall not place anything within 2 feet of the curb or street (curb setback not required if a parking space deck is



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part of the sidewalk café area). The required two 2-foot setback from the curb or street must be separate from the required 5-foot unobstructed pedestrian right-of-way. Access to and view of fire hydrants and standpipes shall be provided.

(d) Distance from curb-cut, crosswalk. No portion of a sidewalk café shall be located within 5 feet of a curb-cut or marked crosswalk.

(e) Parking space decks. A sidewalk café may also include the parking space deck subject to the following specific conditions:

- (1) Approval of a parking space deck shall be part of the approval for a sidewalk café. A parking space deck is not permitted separate from a sidewalk café.
- (2) A building permit is required for all parking space decks. Plans for a parking space deck shall be approved by the City prior to the start of construction. A minimum of a 36-inch guardrail shall be provided on the sides of the deck not adjacent to the sidewalk.
- (3) The size of the parking space deck shall be limited to the area occupied by parking spaces located entirely within the frontage of the restaurant. A minimum of 3-foot setback from adjacent parking spaces and a 4-foot setback from the traffic lane shall be provided.
- (4) If parking space decks are approved for an adjacent restaurant, the decks may be integrated and constructed as one large parking space deck.
- (5) Parking space decks shall be installed no earlier than May 1st and shall be removed no later than November 1. Earlier setup is permitted with the permission of the zoning administrator in the event of early spring weather.
- (6) Cost for the construction, installation, removal and storage of the parking space deck is the responsibility of the operator. If the structure is not removed as set forth in this section, the City may remove the structure after a 15-day notice and charge the expense of removal to the operator or property owner.

(f) Signage. No signs shall be allowed in the sidewalk café area except for table umbrellas with the name of the restaurant and one (1) sandwich board sign showing daily specials. Table top documents and menus are not considered signs for the purpose of this section.

(g) Furnishings. The operator shall use, and maintain in good repair, safe and sturdy furniture, furnishings, and equipment which enhance the aesthetics of the surrounding area. Umbrellas shall be anchored so they will not lift and blow away.

(h) Hours. A sidewalk café may only be open during the hours of the principal restaurant, but in no case shall the sidewalk café be open from 10:00 p.m. to 7:00 a.m.

(i) Use after hours. The sidewalk café area shall not be utilized for any purpose after hours. It is the responsibility of the operator to prevent loitering and unauthorized use of the sidewalk café area and site furnishings.

(j) Food service availability. A sidewalk café shall not be open during hours when food service is not available.

(k) Music/noise. The sidewalk café area shall not have music directed to it from speakers nor shall live music take place at the sidewalk café.

(l) Use of public property. The operator shall not use public property such as light poles, utility poles, flower planters, trees or other amenities as a point of attachment for anything, including ropes, posters, or signs.

(m) Trash removal. The operator shall remove all trash from the sidewalk café on a regular basis during business hours and shall keep the sidewalk café area in a clean, orderly, litter-free and hazard-free condition. The operator shall remove litter from the abutting properties that may have come from the sidewalk café. The operator shall provide covered trash containers for the customers. The operator shall not place trash in the City trash containers.

(n) Restroom facilities. Facilities within the restaurant shall be sufficient to adequately serve the additional seating and capacity provided by the sidewalk café area as required by the State of Wisconsin Commercial Building Code.

(o) Non-smoking. Smoking in a sidewalk café is prohibited, pursuant to the authority set forth in s. 101.123(4m), Wis. Stats, and s. 25.35(4m), Municipal Code. A person in charge of the business to which the sidewalk café is associated may designate an outside area on his or her private property that is a reasonable distance from the entrance, where persons may smoke.

(p) Alcohol beverages. The operator may sell and serve alcohol beverages in a sidewalk café consistent with the following conditions:

- (1) The operator has a valid and appropriate alcohol license for the principal premises.
- (2) The alcohol license includes the sidewalk café area in the description of the licensed premises.
- (3) The alcohol license permits the sale of the type of alcohol beverages to be served at the sidewalk café.
- (4) Alcohol beverages are sold and served only to seated customers of the sidewalk café and are served by the licensee or licensee's employees in compliance with the alcohol beverage laws, ordinances and regulations.
- (5) Alcohol beverages may only be served when food service is available through the principal restaurant.
- (6) The operator shall be responsible for policing the sidewalk café area to prevent underage persons from entering or remaining in the sidewalk café, except when underage persons are allowed to be present on the licensee's premises under applicable laws.
- (7) The operator shall not allow patrons of the sidewalk café to bring alcohol beverages from another location, nor to carry open containers of alcohol beverages about in the sidewalk café area, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area.
- (8) The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk café area.
- (9) No container of alcohol beverages shall be present in the sidewalk café area between 10:00 p.m. and 7:00 a.m.

(q) Insurance. The operator must provide and maintain insurance for the sidewalk café as follows:

- (1) Commercial General Liability: \$1,000,000 per occurrence/general aggregate.
- (2) Workers Compensation: statutory.
- (3) Employers Liability: \$300,000 disease policy limit; \$100,000 per employee.

The operator must provide, upon request, policies and endorsements. The policies shall be endorsed to name the city as an additional insured, and shall provide that the policies of insurance shall not be canceled or altered without 30 days prior written notice to the City. The insurance requirements are not intended to waive any immunity or statutory procedures that the City may have or be entitled to under provisions of law.

(r) Indemnification. The operator shall sign an indemnification agreement provided by the City Attorney prior to operation of the sidewalk café.

18.13 Wind test tower

Description: A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

Pursuant to s. 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. If the Planning Commission and/or Common Council determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.

18.14 Yard sale

Description: A temporary event where used household items are offered for sale.

Note: Also known as garage sale or rummage sale.

Vehicle Parking: On-site parking is not required

Supplemental Standards:

(a) Required principal use. A yard sale shall only occur with a principal residential use or with a governmental or institutional use, such as a worship facility, library, or school.

(b) Duration. A yard sale shall not be operated for more than 4 consecutive days or more than a total of 12 days in a calendar year.



Appendix C Zoning Districts and Dimensional Standards

Rural Residential (RR) district

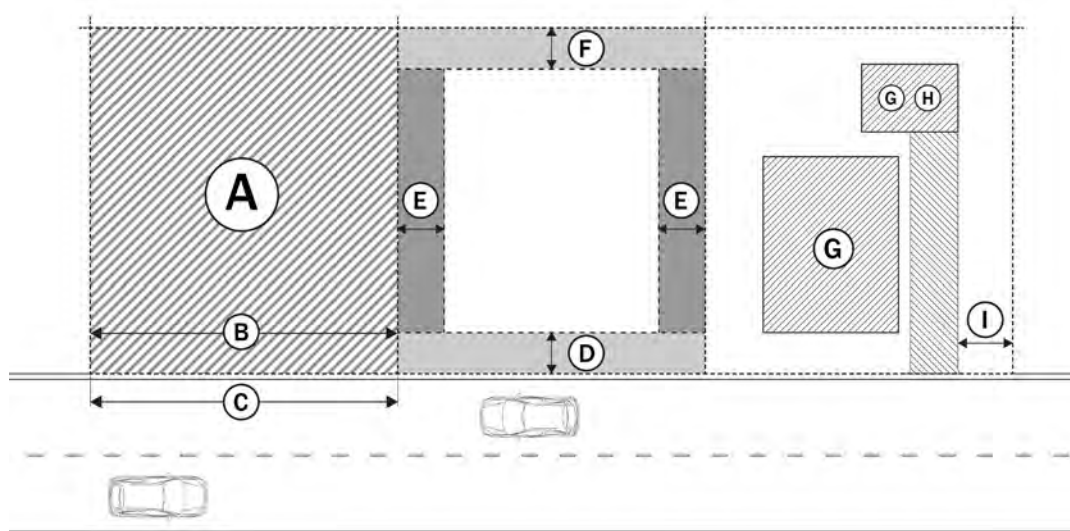
Description: This district is intended to accommodate single-family dwellings on larger lots, limited agricultural uses, and other compatible land uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	5 acres
Lot width, minimum	s. 11.06.103	B	250 feet
Street frontage, minimum	s. 11.06.104	C	100 feet
Water frontage, minimum	s. 11.06.105	-	100 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	35 feet [1,2]
Side yard setback, minimum	s. 11.06.106	E	25 feet
Rear yard setback, minimum	s. 11.06.106	F	25 feet
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 35 feet for principal buildings; 1 story, but not more than 18 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	30 percent total; not greater than 900 square feet for detached accessory building
Residential floor area, minimum	s. 11.06.111	-	1,000 square feet, minimum
Floor area of attached garage, maximum	s. 11.06.112	-	50 percent of ground floor living area; the Planning Commission may allow more than 50 percent as a special exception provided the floor area over 50 percent is deducted from the allowable floor area of detached accessory buildings
Number of detached accessory buildings, maximum	s. 11.06.115	H	2
Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet

Notes:

1. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for principal buildings constructed after September 1, 1995 is 75 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



Single-Family Residential (R-1) district

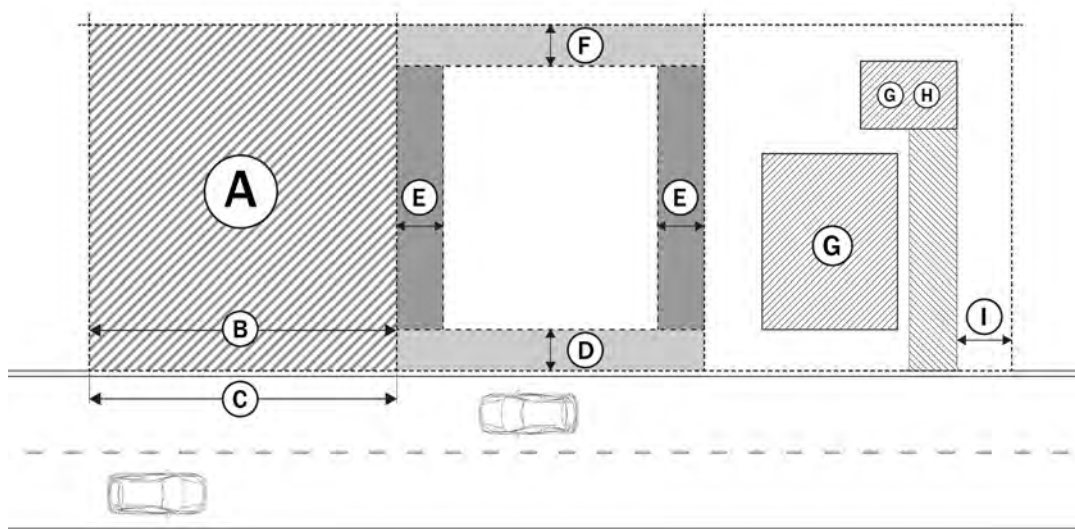
Description: This district is intended to accommodate single-family dwellings along with compatible community and civic uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	10,000 square feet
Lot width, minimum	s. 11.06.103	B	85 feet
Street frontage, minimum	s. 11.06.104	C	50 feet
Water frontage, minimum	s. 11.06.105	-	75 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal buildings; 5 feet behind the front face of the principal building for detached accessory building, but not less than 25 feet [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	7 feet on one side and 10 feet on the other for principal buildings; 3 feet for detached accessory building [4]
Rear yard setback, minimum	s. 11.06.106	F	20 percent of lot depth for principal buildings; 3 feet for detached accessory building without an alley; 5 feet for detached accessory building with an alley
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 30 feet for principal buildings; 1 story, but not more than 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	40 percent total; not greater than 900 square feet for detached accessory building
Residential floor area, minimum	s. 11.06.111	-	900 square feet, minimum
Floor area of attached garage, maximum	s. 11.06.112	-	50 percent of ground floor living area; the Planning Commission may allow more than 50 percent as a special exception provided the floor area over 50 percent is deducted from the allowable floor area of detached accessory buildings
Number of detached accessory buildings, maximum	s. 11.06.115	H	2
Other			
Distance between driveway and property boundary line, minimum	-	I	3 feet

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for principal buildings constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.
4. If the lot width for an existing lot is less than what is required, the side yard setback may be reduced proportionately to the ratio between the actual width and the required width, but not less than 75 percent of the required setback.



Mixed Residential (R-2) district

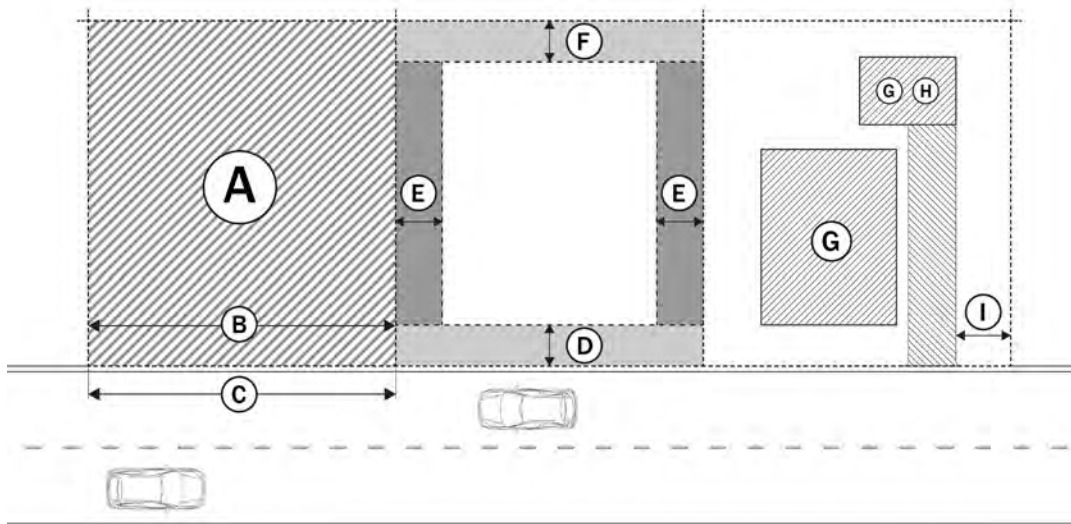
Description: This district is intended to accommodate single-family dwellings and two-family dwellings along with compatible community and civic uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	7,500 square feet for single-family; 10,000 square feet for two-family
Lot width, minimum	s. 11.06.103	B	75 feet
Street frontage, minimum	s. 11.06.104	C	50 feet for single-family; 85 feet for two-family
Water frontage, minimum	s. 11.06.105	-	75 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal buildings; 5 feet behind the front face of the principal building for detached accessory building, but not less than 25 feet [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	7 feet on one side and 10 feet on the other for principal buildings; 3 feet for detached accessory building [4]
Rear yard setback, minimum	s. 11.06.106	F	20 percent of lot depth for principal buildings; 3 feet for detached accessory building without an alley; 5 feet for detached accessory building with an alley
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 30 feet for principal buildings; 1 story, but not more than 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	40 percent total; not greater than 900 square feet for detached accessory building
Residential floor area, minimum	s. 11.06.111	-	900 square feet, minimum; 800 square feet for duplex per unit
Floor area of attached garage, maximum	s. 11.06.112	-	50 percent of ground floor living area; the Planning Commission may allow more than 50 percent as a special exception provided the floor area over 50 percent is deducted from the allowable floor area of detached accessory buildings
Number of detached accessory buildings, maximum	s. 11.06.115	H	2
Other			
Distance between driveway and property boundary line, minimum	-	I	3 feet

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for principal buildings constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.
4. If the lot width for an existing lot is less than what is required for a single-family, the side yard setback may be reduced proportionately to the ratio between the actual width and the required width, but not less than 75 percent of the required setback.



Multi-Family Medium Density Residential (R-3) district

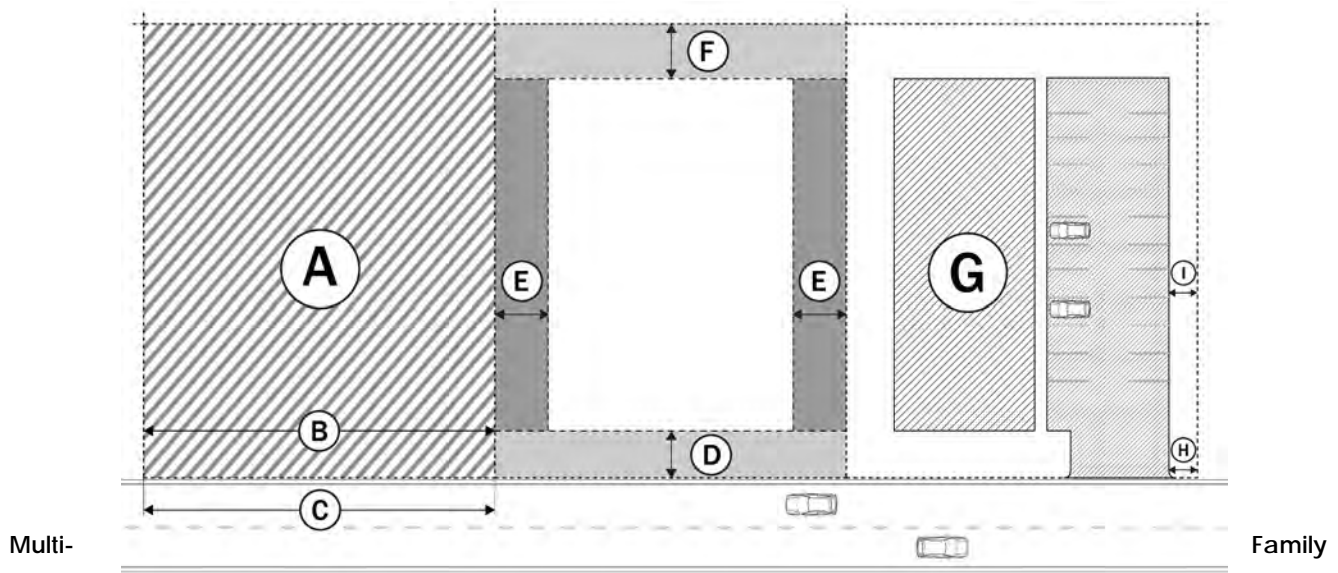
Description: This district is intended to accommodate medium density housing consisting of multi-family buildings and townhomes with 3 to 15 dwelling units in any given project. Compatible community and civic uses may also be located in the district.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	10,000 square feet for two-family; 3,000 square feet per dwelling unit for multi-family
Lot width, minimum	s. 11.06.103	B	75 feet for two-family; 120 feet for multi-family
Street frontage, minimum	s. 11.06.104	C	50 feet for two-family; 85 feet for multi-family
Water frontage, minimum	s. 11.06.105	-	75 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal buildings; 5 feet behind the front face of the principal building for detached accessory building, but not less than 25 feet [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	7 feet on one side and 10 feet on the other for duplexes; 15 feet on each side for buildings with 3 or more dwelling units; 3 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	20 percent of lot depth for one or two-family principal building; one-half the height or one-half of the depth of the building for multi-family; 3 feet for detached accessory building without an alley; 5 feet for detached accessory building with an alley
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 35 feet for principal building; 1 story, but not more than 18 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	50 percent total; not greater than 500 square feet for detached accessory building (per dwelling unit)
Residential floor area, minimum	s. 11.06.111	-	700 square feet for each dwelling unit; 600 for efficiency
Number of detached accessory buildings, maximum	s. 11.06.115	-	2
Other			
Distance between driveway and property boundary line, minimum	-	H	5 feet
Distance between parking lot and property boundary line, minimum	-	I	5 feet

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for a principal building constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



High Density Residential (R-4) district

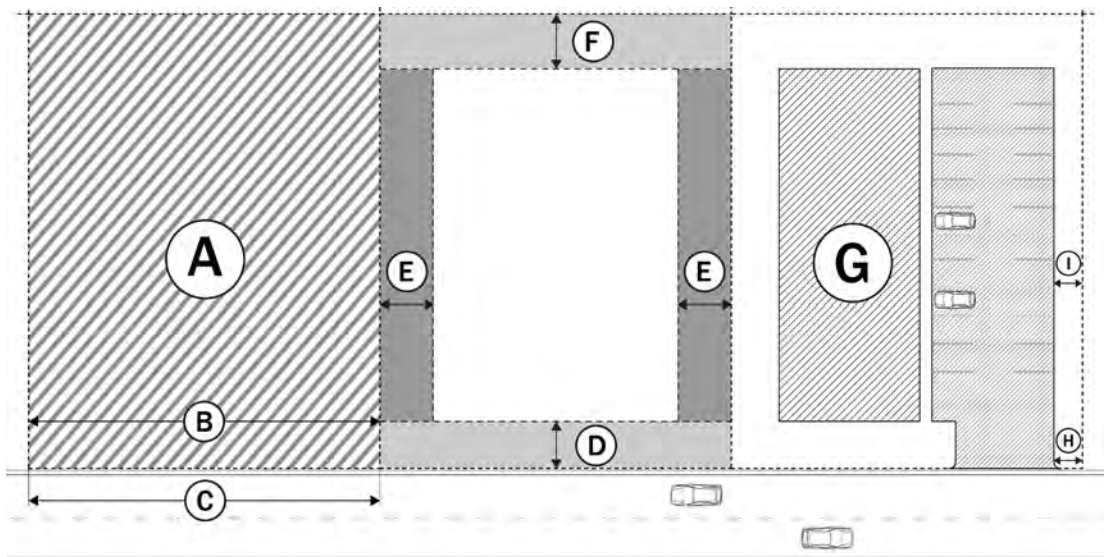
Description: This district is intended to accommodate high density housing consisting of multi-family buildings and townhomes with more than 15 dwelling units in any given project. Compatible community and civic uses may also be located in the district.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	10,000 square feet for two-family; 3,000 square feet per dwelling unit for multi-family
Lot width, minimum	s. 11.06.103	B	75 feet for two-family; 120 feet for multi-family
Street frontage, minimum	s. 11.06.104	C	50 feet for two-family; 85 feet for multi-family
Water frontage, minimum	s. 11.06.105	-	75 feet
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal buildings; 5 feet behind the front face of the principal building for detached accessory building, but not less than 25 feet [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	7 feet on one side and 10 feet on the other for duplexes; 15 feet on each side for buildings with 3 or more dwelling units; 3 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	20 percent of lot depth for one or two-family principal building; one-half the height or one-half of the depth of the building for multi-family; 3 feet for detached accessory building without an alley; 5 feet for detached accessory building with an alley
Building Standards			
Building height, maximum	s. 11.06.108	-	2 stories, but not more than 35 feet for principal building; 1 story, but not more than 18 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	50 percent total; not greater than 500 square feet for detached accessory building (per dwelling unit)
Residential floor area, minimum	s. 11.06.111	-	700 square feet for each dwelling unit; 600 for efficiency
Number of detached accessory buildings, maximum	s. 11.06.115	-	2
Other			
Distance between driveway and property boundary line, minimum	-	H	5 feet
Distance between parking lot and property boundary line, minimum	-	I	5 feet

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for a principal building constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



Manufactured Home Park (R-8) district

Description: This district is intended to accommodate mobile homes and/or manufactured homes as part of a unified project, which may also include compatible community and civic uses.

Dimensional Standards:

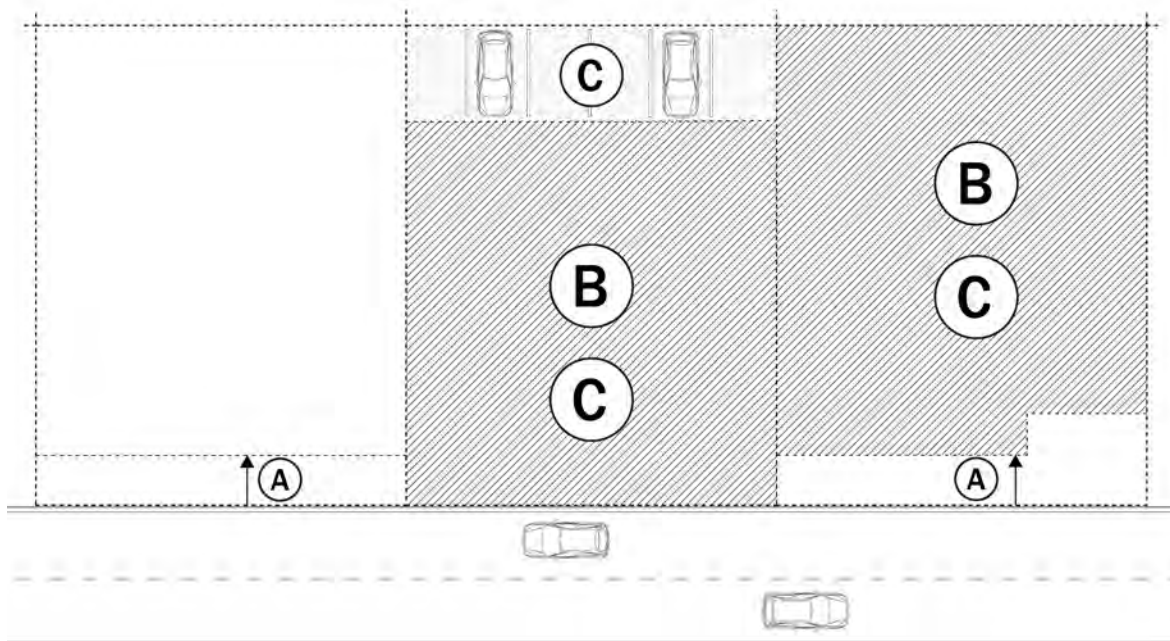
Lot Standards		Additional Details	
Lot area, minimum	s. 11.06.102	5 acres	
Lot width, minimum	s. 11.06.103	150 feet	
Street frontage, minimum	s. 11.06.104	85 feet	
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	25 feet	
Side yard setback, minimum	s. 11.06.106	20 feet	
Rear yard setback, minimum	s. 11.06.106	20 feet	
Building Standards			
Number of detached accessory buildings, minimum	See Appendix B, 3.01 Manufactured Home Standards	2	
Other			
Distance between driveway and property boundary line, minimum	-	5 feet	

Downtown Commercial (B-1) district

Description: This district is primarily intended to accommodate and create a high level of employment and business activity consisting of large- and small-scale uses. Smaller retail stores and specialty shops are common along with indoor attractions. Although professional services are allowed, they are less common. Sidewalk cafes are common during the warmer months of the year. The wide range of permissible uses and development standards are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development. Residential uses can occur in this district primarily on the upper levels of buildings. Parking is available on the street and in nearby public parking lots and garages. There is a balanced mix of one- and multi-story buildings.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	-	none
Lot width, minimum	s. 11.06.103	-	none
Street frontage, minimum	s. 11.06.104	-	none
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	-	none
Side yard setback, minimum	s. 11.06.106	-	none
Rear yard setback, minimum	s. 11.06.106	-	none
Build to line, minimum	s. 11.07.107	A	4 feet except that up to 40 percent of the building frontage may be 8 feet if the area is used for outdoor seating, public art, or other such design element approved by the Planning Commission
Building Standards			
Building height, maximum	s. 11.06.108	-	45 feet for principal building adjacent to a residential district; 60 feet for principal building not adjacent to a residential district; 15 feet for detached accessory building adjacent to a residential district; 2 stories for detached accessory building not adjacent to a residential district
Building coverage, maximum	s. 11.06.109	B	100 percent
Impervious surface, maximum	s. 11.06.110	C	100 percent
Other			
Distance between driveway and property boundary line, minimum	-	-	3 feet
Distance between parking lot and property boundary line, minimum	-	-	0 feet



General Commercial (B-2) district

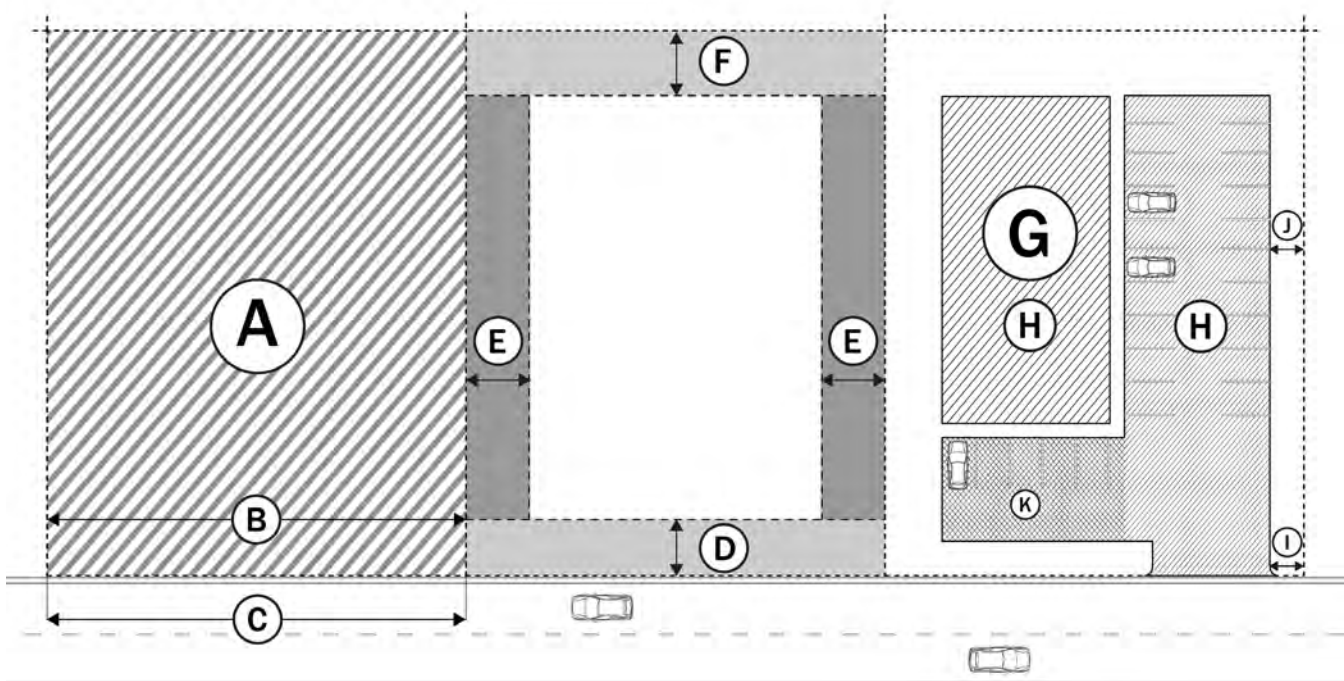
Description: This district is primarily intended to accommodate a wide range of large- and small-scale commercial development along major arterials along with compatible community and civic uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	10,000 square feet
Lot width, minimum	s. 11.06.103	B	90 feet
Street frontage, minimum	s. 11.06.104	C	50 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal building and detached accessory building [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	20 feet for principal building; 10 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	20 feet for principal building; 10 feet for detached accessory building
Building Standards			
Building height, maximum	s. 11.06.108	-	35 feet for principal building adjacent to a residential district; 45 feet for principal building not adjacent to a residential district; 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	60 percent
Impervious surface, maximum	s. 11.06.110	H	80 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential
On-site parking in front of principal building, maximum	s. 11.06.118	K	35 percent; 50 percent with special exception consistent with s. 11.06.118

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for a principal building constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



Neighborhood Commercial (B-3) district

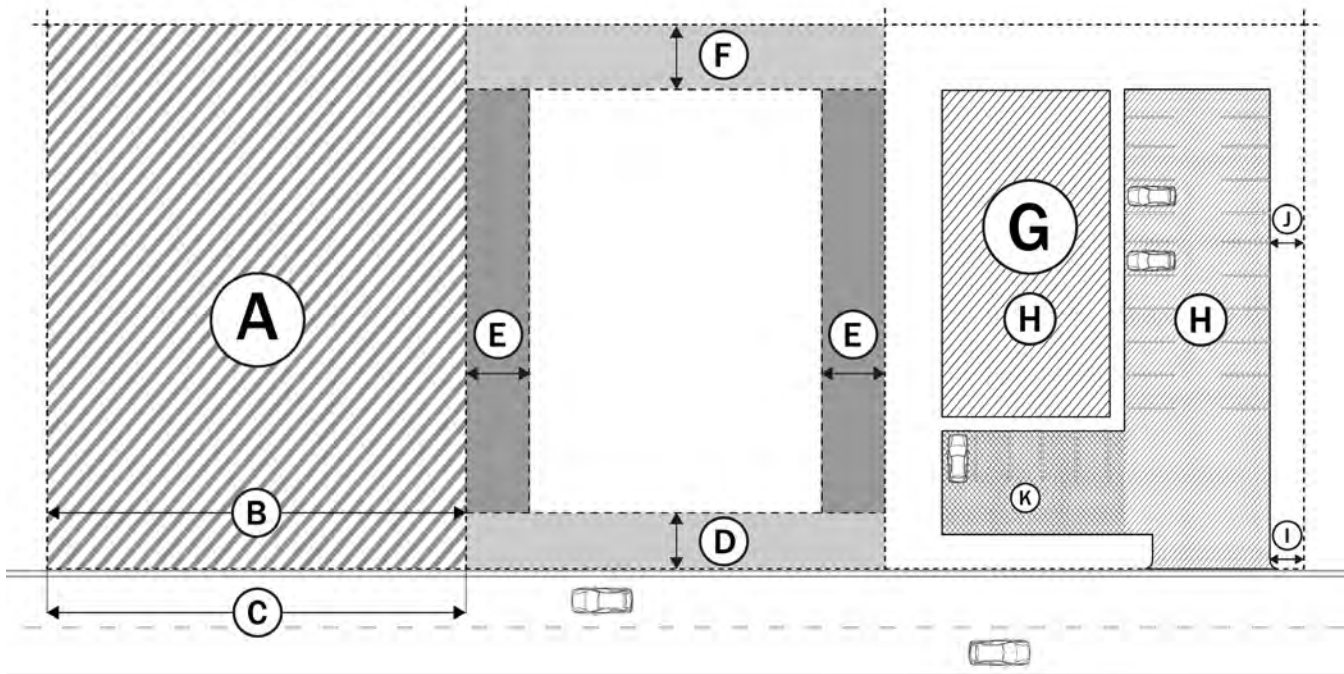
Description: This district is intended to accommodate low-intensity commercial uses in a residential setting.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	10,000 square feet
Lot width, minimum	s. 11.06.103	B	90 feet
Street frontage, minimum	s. 11.06.104	C	50 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal building and detached accessory building [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	10 feet for principal building; 10 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	20 feet for principal building; 10 feet for detached accessory building
Building Standards			
Building height, maximum	s. 11.06.108	-	35 feet for principal building adjacent to a residential district; 45 feet for principal building not adjacent to a residential district; 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	60 percent
Impervious surface, maximum	s. 11.06.110	H	80 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential
On-site parking in front of principal building, maximum	s. 11.06.118	K	35 percent; 50 percent with special exception consistent with s. 11.06.118

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for a principal building constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



Mixed Use Commercial (B-5) district

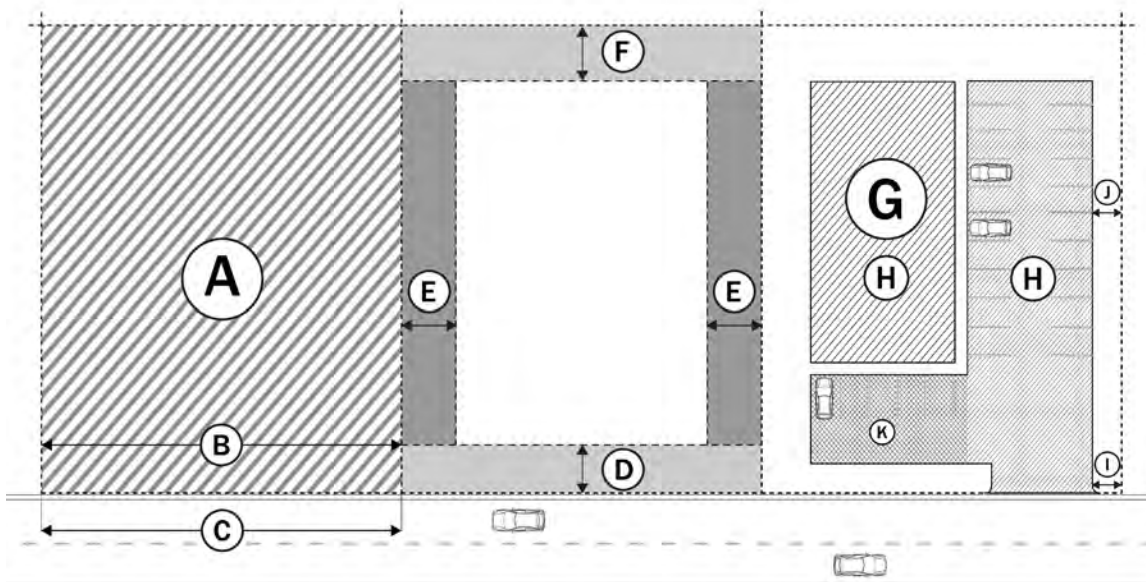
Description: This district is intended to be applied exclusively to those areas depicted on the city's adopted land use plan map as "general mixed use." These areas have been determined, via the city's comprehensive plan process, to potentially be appropriated for a variety of land uses given the (1) character of the existing development pattern in the area; (2) proximity of the area to major transportation facilities; and (3) availability of blocks of land which are sufficiently large to allow for integrated, coordinated, comprehensive site planning and mixing of compatible, well-planned land uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	20,000 square feet
Lot width, minimum	s. 11.06.103	B	120 feet
Street frontage, minimum	s. 11.06.104	C	100 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal building; 15 feet for detached accessory building [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	20 feet for principal building; 10 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	20 feet for principal building; 10 feet for detached accessory building
Building Standards			
Building height, maximum	s. 11.06.108	-	35 feet for principal building adjacent to a residential district; 45 feet for principal building not adjacent to a residential district, or 3 stories whichever is less; 18 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	50 percent
Impervious surface, maximum	s. 11.06.110	H	75 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet
Distance between parking lot and property boundary line, minimum	-	J	3 feet if adjacent to non-residential; 10 feet if adjacent to residential
On-site parking in front of principal building, maximum	s. 11.06.118	K	25 percent; 35 percent with special exception consistent with s. 11.06.118

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for principal buildings constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acre or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.

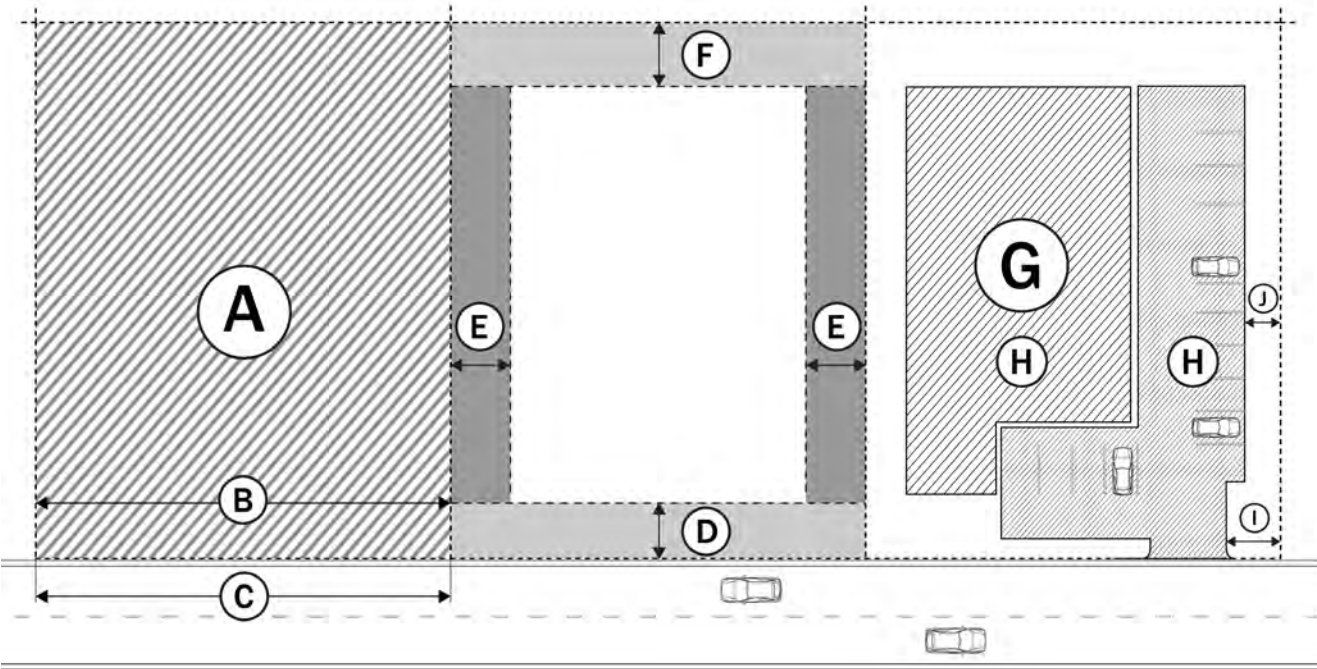


General Industrial (M-1) district

Description: This district is intended to accommodate industrial, manufacturing, and storage where most of the activities are conducted within an enclosed building. Compatible community and civic uses are also allowed.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	40,000 square feet
Lot width, minimum	s. 11.06.103	B	150 feet
Street frontage, minimum	s. 11.06.104	C	100 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet
Side yard setback, minimum	s. 11.06.106	E	15 feet if adjacent to non-residential, 25 feet if adjacent to residential
Rear yard setback, minimum	s. 11.06.106	F	25 feet
Building Standards			
Building height, maximum	s. 11.06.108	-	45 feet; 65 feet as approved as a special exception
Building coverage, maximum	s. 11.06.109	G	70 percent
Impervious surface, maximum	s. 11.06.110	H	90 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	3 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential

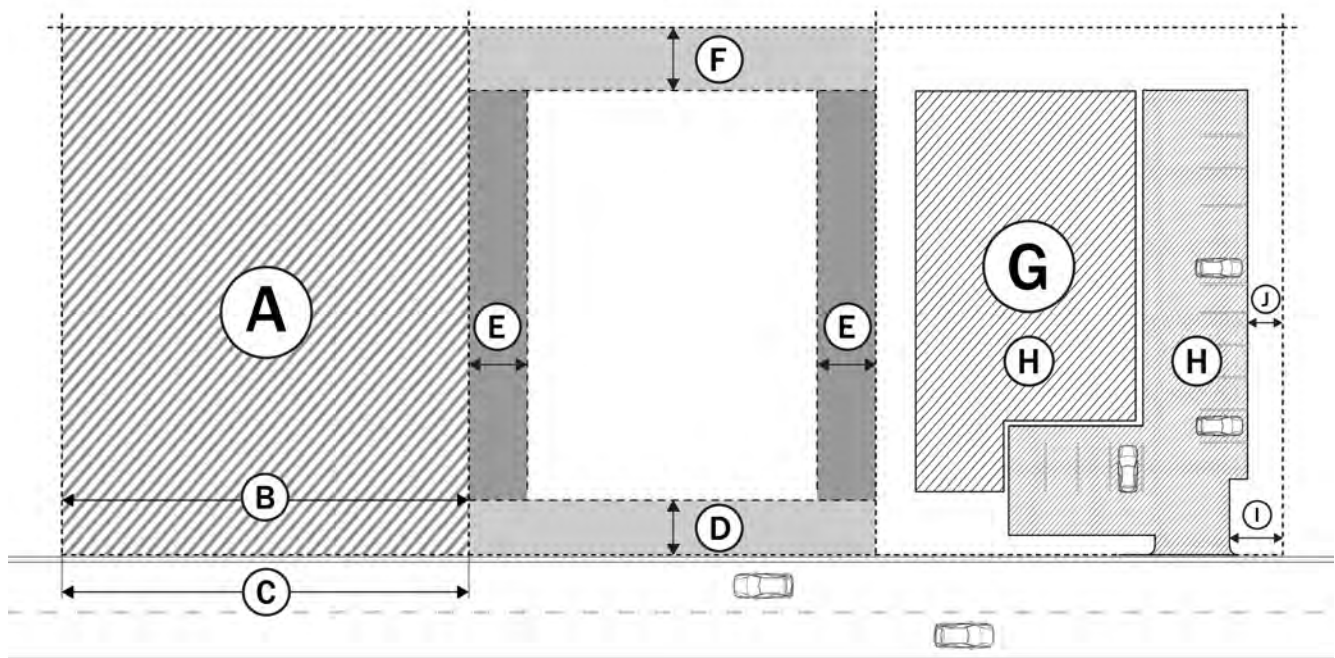


Heavy Industrial (M-2) district

Description: This district is intended to accommodate industrial, manufacturing, and storage uses where some or all the activities are conducted outside of an enclosed building. Compatible community and civic uses may also be allowed.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	40,000 square feet
Lot width, minimum	s. 11.06.103	B	150 feet
Street frontage, minimum	s. 11.06.104	C	100 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	50 feet
Side yard setback, minimum	s. 11.06.106	E	25 feet
Rear yard setback, minimum	s. 11.06.106	F	25 feet
Building Standards			
Building height, maximum	s. 11.06.108	-	45 feet; 65 feet as approved as a special exception
Building coverage, maximum	s. 11.06.109	G	70 percent
Impervious surface, maximum	s. 11.06.110	H	90 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	3 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential



Conservancy (C-1) district

Description: The C-1 conservancy district is intended to include those lands considered wetlands, marshlands, swamps, 100-year floodplains, and other environmentally sensitive areas. Given the various development constraints associated with these lands, development is restricted to land uses compatible with these constraints.

Dimensional Standards:

Lot Standards	Additional Details	
Lot area, minimum	s. 11.06.102	none
Lot width, minimum	s. 11.06.103	none
Street frontage, minimum	s. 11.06.104	none
Water frontage, minimum	s. 11.06.105	none
Building Setbacks		
Front yard setback, minimum	s. 11.06.106	50 feet
Side yard setback, minimum	s. 11.06.106	25 feet
Rear yard setback, minimum	s. 11.06.106	25 feet
Building Standards		
Building height, maximum	s. 11.06.108	35 feet for principal building; 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	15 percent
Impervious surface, maximum	s. 11.06.110	25 percent
Other		
Distance between driveway and property boundary line, minimum	-	3 feet
Distance between parking lot and property boundary line, minimum	-	5 feet if adjacent to non-residential; 10 feet if adjacent to residential

Institutional (I-1) district

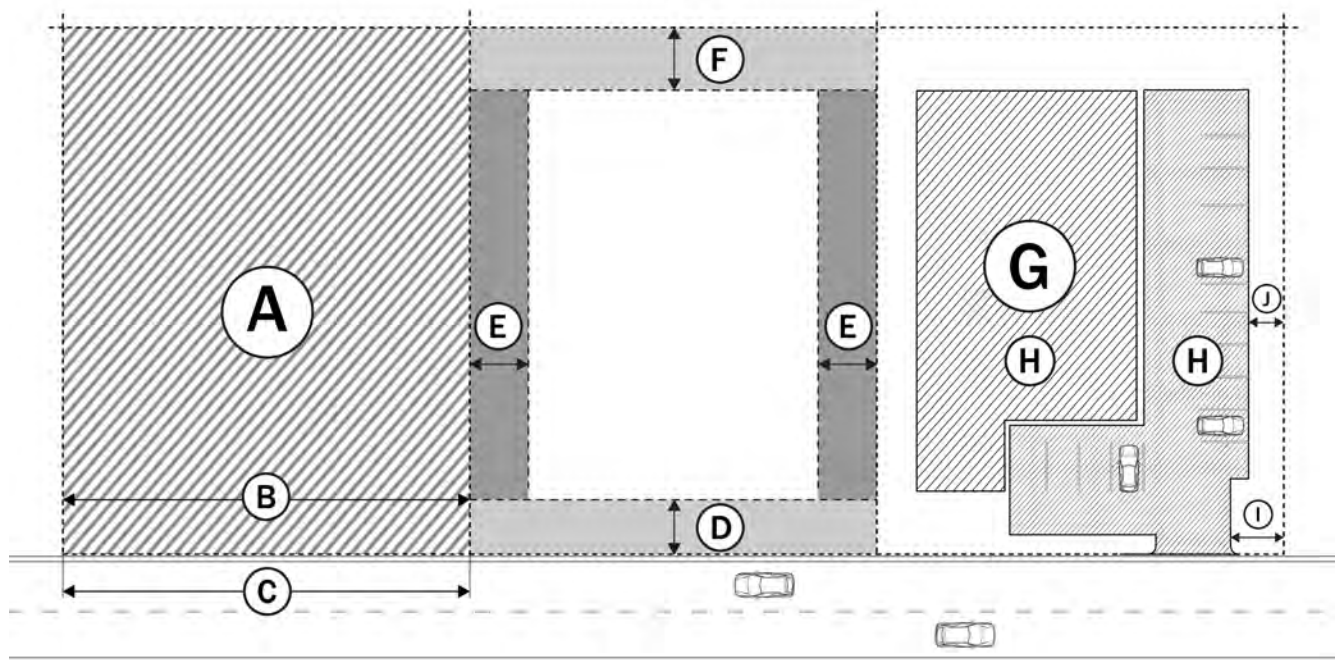
Description: This district is intended to accommodate institutional uses, whether maintained by the City, another governmental body, or a private business, that are deemed to be a permanent use. This district is located in and adjoining residential areas of the City where such uses are consistent with existing and planned residential uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	A	30,000 square feet
Lot width, minimum	s. 11.06.103	B	90 feet
Street frontage, minimum	s. 11.06.104	C	50 feet
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	D	25 feet for principal building and detached accessory building [1,2,3]
Side yard setback, minimum	s. 11.06.106	E	30 feet for principal building; 10 feet for detached accessory building
Rear yard setback, minimum	s. 11.06.106	F	30 feet for principal building; 10 feet for detached accessory building
Building Standards			
Building height, maximum	s. 11.06.108	-	45 feet for principal; 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	G	45 percent
Impervious surface, maximum	s. 11.06.110	H	65 percent
Other			
Distance between driveway and property boundary line, minimum	-	I	5 feet
Distance between parking lot and property boundary line, minimum	-	J	5 feet if adjacent to non-residential; 10 feet if adjacent to residential

Notes:

1. The minimum front yard setback may be less than or more than what is stated if setback averaging applies, but not less than 15 feet.
2. If a lot is 1.0 acres or larger and abuts the right-of-way line of an expressway, primary arterial, or standard arterial, the front yard setback for a principal building constructed after September 1, 1995 is 75 feet.
3. If a lot is 1.0 acres or larger and abuts the right-of-way line of an expressway the setback for a detached accessory building constructed after September 1, 1995 is 35 feet or if abutting a primary arterial or standard arterial, the setback is 25 feet if constructed after September 1, 1995.



Park and Recreation (P-1) district

Description: Park and Recreation (P-1) district. This district is intended to accommodate outdoor recreation, whether maintained by the City, another governmental body, or a private business, that are deemed to be a permanent use. This district is located in and adjoining residential areas of the City where such uses are consistent with existing and planned residential uses.

Dimensional Standards:

Lot Standards	Additional Details	Illustration Symbol	
Lot area, minimum	s. 11.06.102	-	none
Lot width, minimum	s. 11.06.103	-	none
Street frontage, minimum	s. 11.06.104	-	none
Water frontage, minimum	s. 11.06.105	-	none
Building Setbacks			
Front yard setback, minimum	s. 11.06.106	-	50 feet
Side yard setback, minimum	s. 11.06.106	-	25 feet
Rear yard setback, minimum	s. 11.06.106	-	25 feet
Building Standards			
Building height, maximum	s. 11.06.108	-	45 feet for principal; 15 feet for detached accessory building
Building coverage, maximum	s. 11.06.109	-	45 percent
Impervious surface, maximum	s. 11.06.110	-	65 percent
Other			
Distance between driveway and property boundary line, minimum	-	-	5 feet
Distance between parking lot and property boundary line, minimum	-	-	5 feet if adjacent to non-residential; 10 feet if adjacent to residential

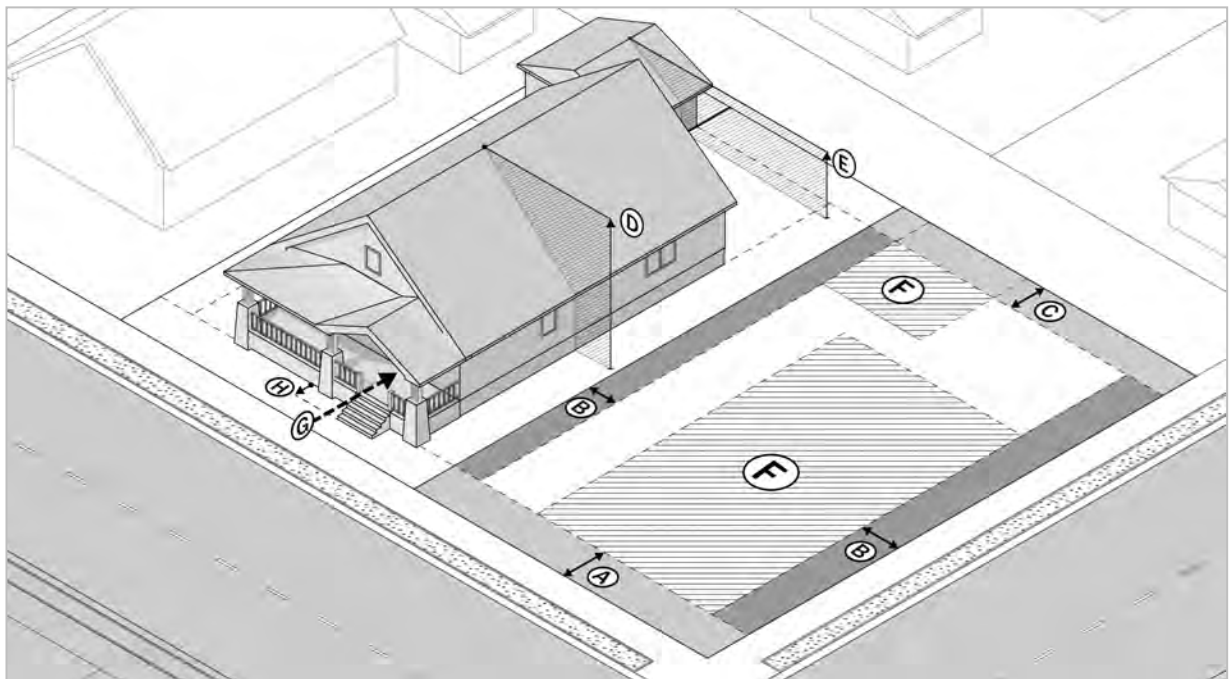
Appendix D Building Type Illustrations

Single-Family Dwelling

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum amount set by zoning district in Appendix C
Accessory building	E		Maximum amount set by zoning district in Appendix C
Coverage			
Building coverage, principal	F		Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to dwelling unit	G		The front entrance to the building must face the street.
Allowable projections in a required setback area	H		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Garage	-		A two-car garage containing at least 400 square feet must be built at the same time the dwelling unit is being constructed. Such garage may be attached or detached.
Roof	-		The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-		The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Planning Commission may approve a special exception authorizing the use of an exterior material not specifically allowed.
Foundation	-		The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
Living area	-		Minimum amount set by zoning district in Appendix C
Driveways and Parking			
Distance between driveway and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C

Notes:

- Also see Appendix B for any supplemental requirements related to this specific building type.

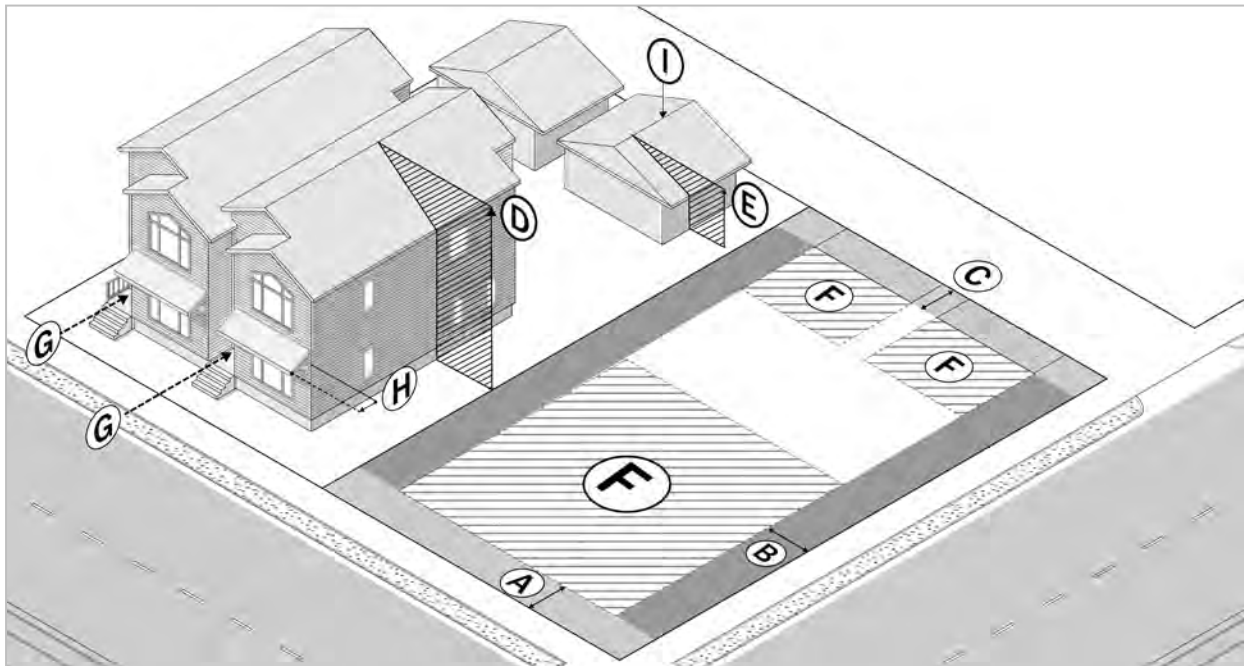


Two-Family Dwelling

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory building	E		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage, principal	F		Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to dwelling unit	G		The front entrance to the building must face the street. If the building consists of two or more floors, the entrance to the second floor must be integral to the building's design. An exterior staircase is not acceptable.
Allowable projections in a required setback area	H		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Garage	I		A one-car garage containing at least 200 square feet must be built for each unit at the same time the dwelling units are being constructed. Such garage may be attached or detached.
Roof	-		The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-		The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Planning Commission may approve a special exception authorizing the use of an exterior material not specifically allowed.
Foundation	-		The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
Driveways and Parking			
Distance between driveway and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C

Notes:

- Also see Appendix B for any supplemental requirements related to this specific building type.

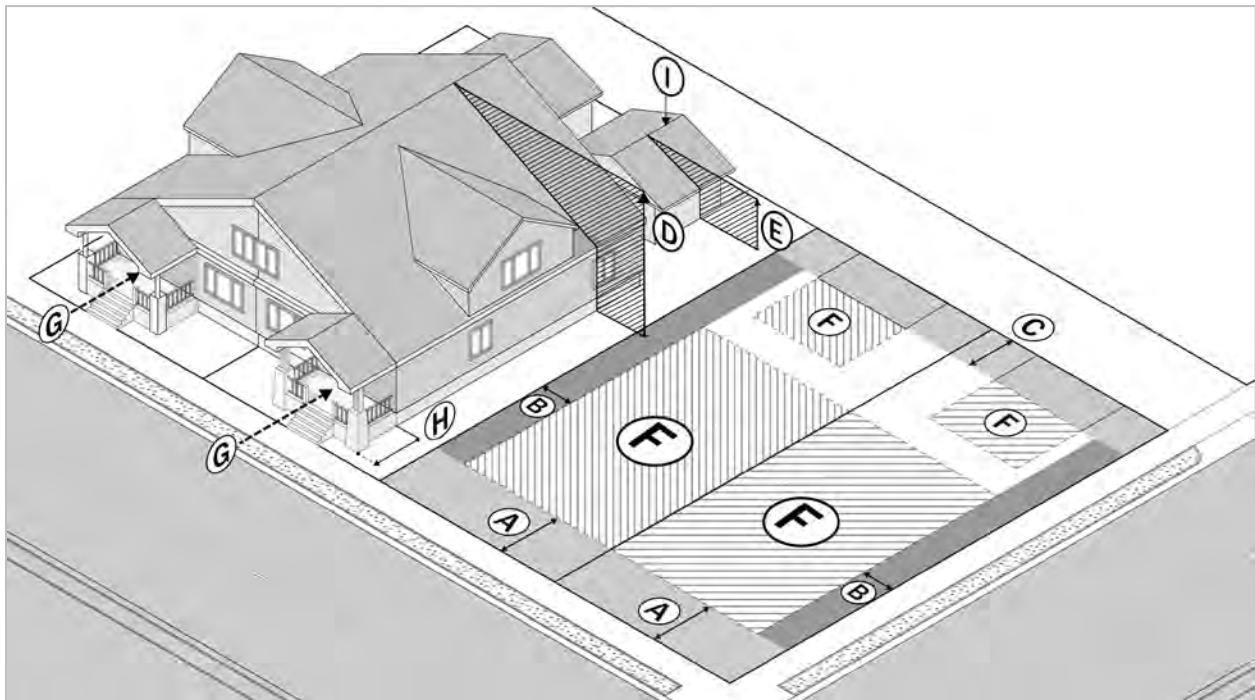


Twin Home

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory building	E		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage, principal	F		Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to dwelling unit	G		The front entrance to the building must face the street.
Allowable projections in a required setback area	H		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Garage	-		A one-car garage containing at least 200 square feet must be built at the same time the dwelling unit is being constructed. Such garage may be attached or detached.
Roof	-		The roof must have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).
Materials	-		The roof must be covered with slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Exterior wall surfaces must be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. The Planning Commission may approve a special exception authorizing the use of an exterior material not specifically allowed.
Foundation	-		The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
Driveways and Parking			
Distance between driveway and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-		Minimum distance set by zoning district in Appendix C

Notes:

- Also see Appendix B for any supplemental requirements related to this specific building type.

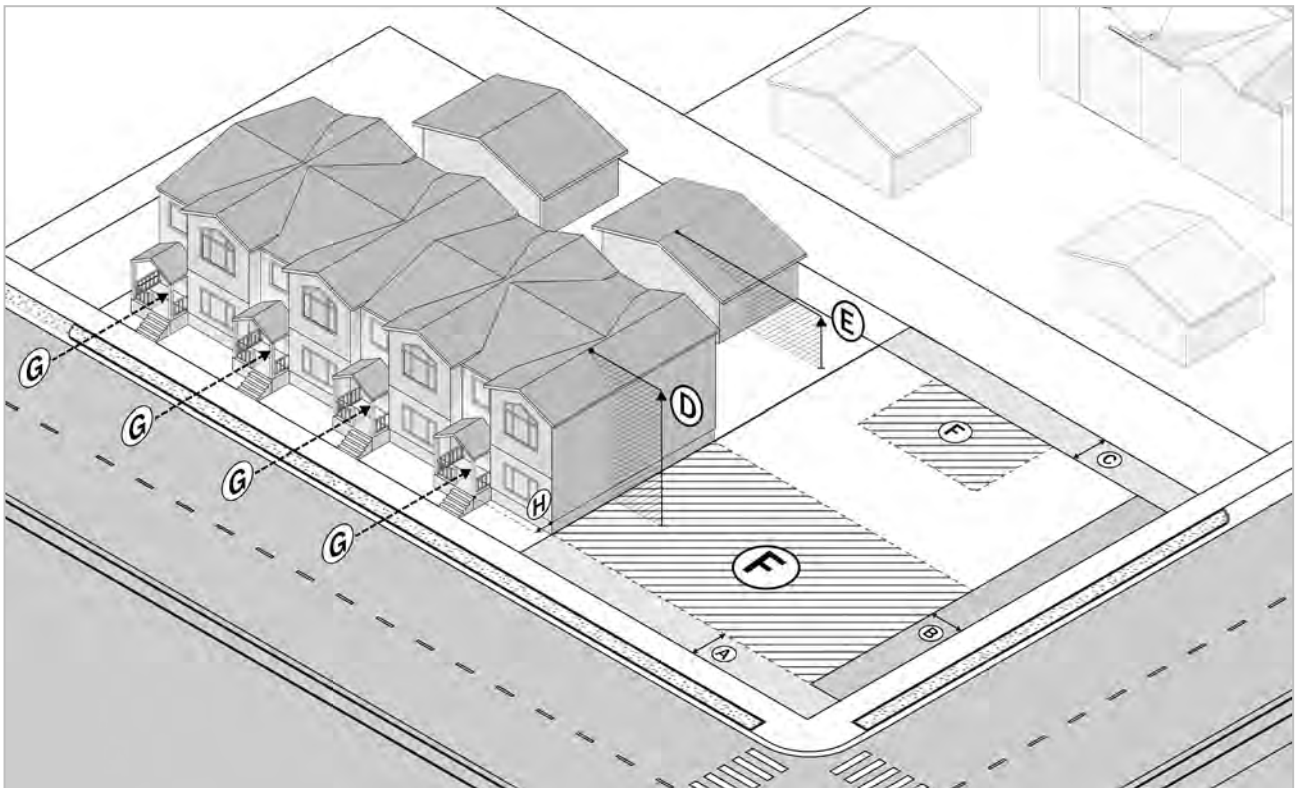


Townhouse

Building Setbacks	Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory building	E	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage, principal	F	Maximum amount set by zoning district in Appendix C
Building coverage, accessory	F	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to dwelling unit	G	The front entrance to each dwelling unit must face the street or a courtyard of sufficient size. Such entrances must be accentuated by a porch or other architectural feature.
Allowable projections in a required setback area	H	Various building features may extend into required setback areas as set forth in s. 11.06.106.
Garage	-	A one-car garage containing at least 200 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. Such garage may be attached or detached.
Vertical off-sets	-	When a building includes 5 or more dwelling units, there must be a vertical offset of at least 2 feet between each adjoining dwelling unit.
Driveways and Parking		
Distance between driveway and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C

Notes:

1. Also see Appendix B for any supplemental requirements related to this specific building type.
2. Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

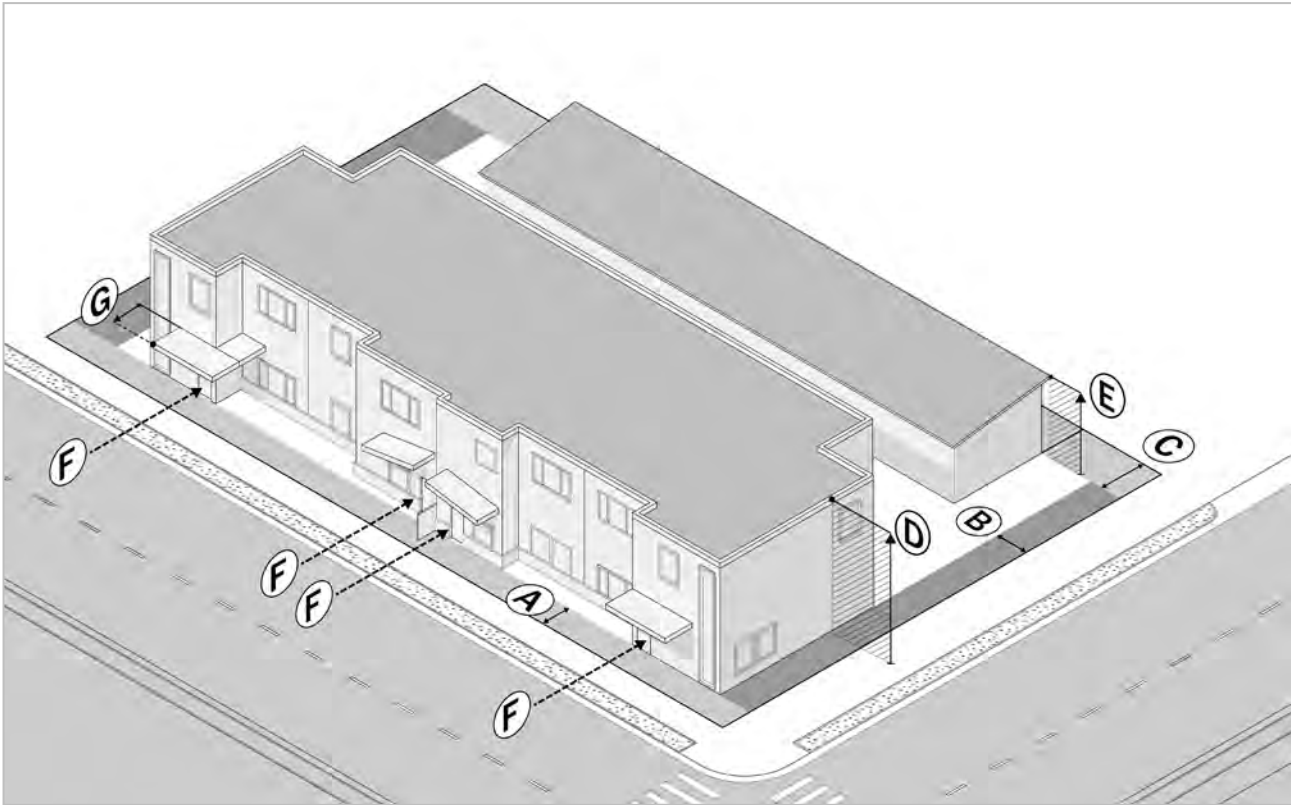


Multi-Family

Building Setbacks		Illustration Symbol	
Front yard setback	A	Minimum distance set by zoning district in Appendix C	
Side yard setback	B	Minimum distance set by zoning district in Appendix C	
Rear yard setback	C	Minimum distance set by zoning district in Appendix C	
Building Height			
Principal building	D	Maximum height set by zoning district in Appendix C	
Accessory buildings	E	Maximum height set by zoning district in Appendix C	
Coverage			
Building coverage	-	Maximum amount set by zoning district in Appendix C	
Impervious surface	-	Maximum amount set by zoning district in Appendix C	
Building Elements			
Entrance to dwelling unit	F	The front entrance to each dwelling unit must face the street or a courtyard of sufficient size. Such entrances must be accentuated by a porch or other architectural feature.	
Allowable projections in a required setback area	G	Various building features may extend into required setback areas as set forth in s. 11.06.106.	
Driveways and Parking			
Distance between driveway and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C	
Distance between parking lot and adjoining property boundary line	-	Minimum distance set by zoning district in Appendix C	
Other			
FHA compliance	-	The developer is responsible for complying with all applicable standards in the Fair Housing Act, including accessibility requirements.	

Notes:

- 1. Also see Appendix B for any supplemental requirements related to this specific building type.
- 2. Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

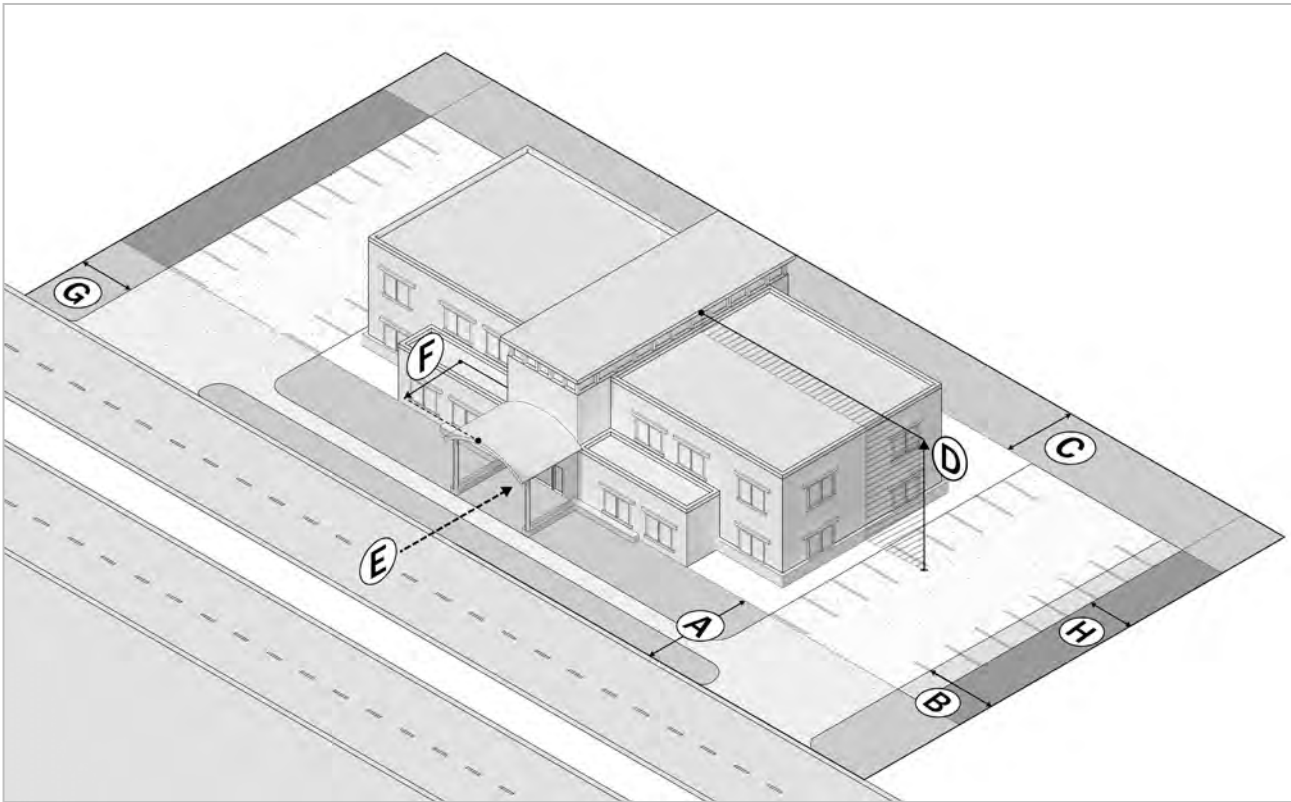


Institutional

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory buildings	-		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage	-		Maximum amount set by zoning district in Appendix C
Impervious surface	-		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to building	E		The front entrance must face the street or a courtyard of sufficient size. Such entrances must be accentuated by an architectural feature.
Allowable projections in a required setback area	F		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Driveways and Parking			
Distance between driveway and adjoining property boundary line	G		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	H		Minimum distance set by zoning district in Appendix C

Notes:

- 1. Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

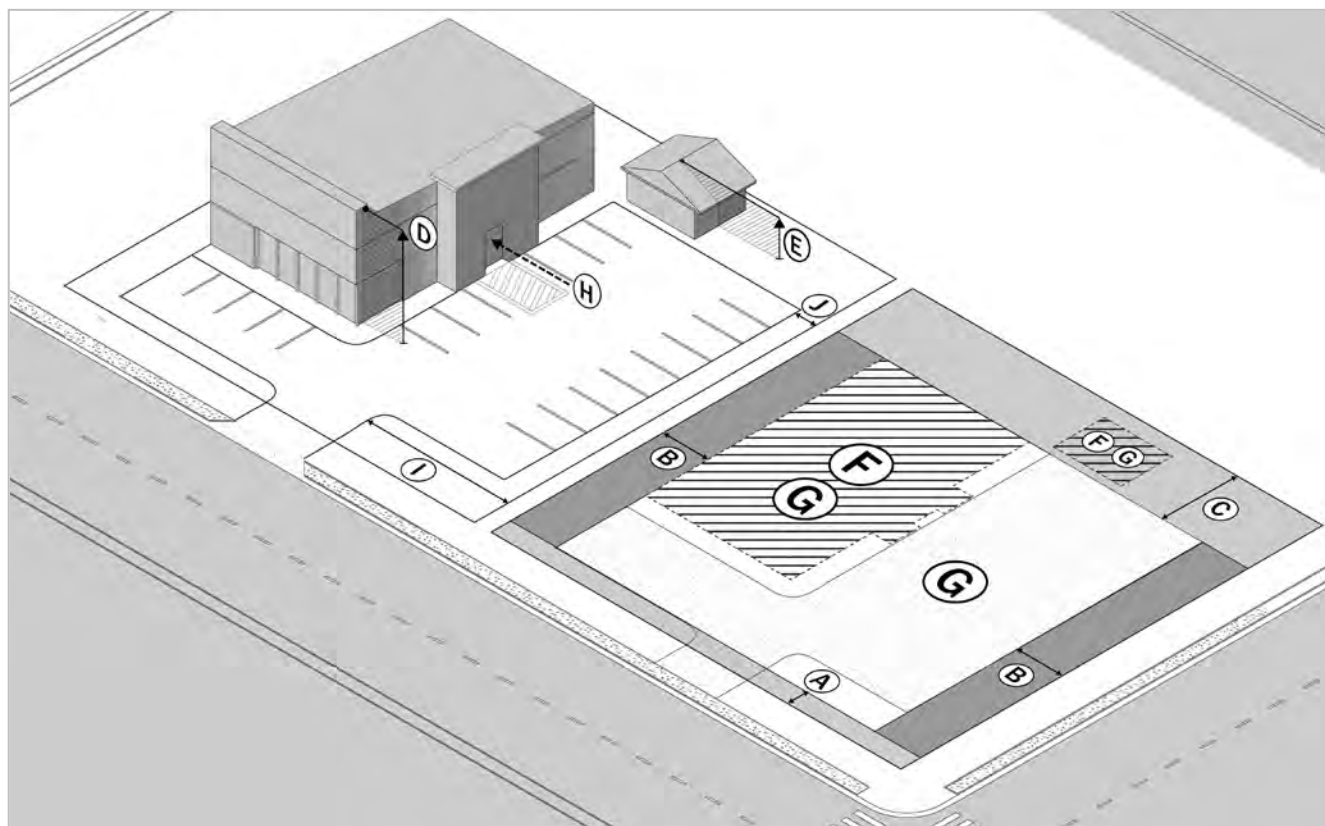


Commercial

Building Setbacks		Illustration Symbol
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Accessory buildings	E	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	F	Maximum amount set by zoning district in Appendix C
Impervious surface	G	Maximum amount set by zoning district in Appendix C
Building Elements		
Entrance to building	H	If the front entrance of the building faces the parking area on the side, the building facade facing the street must incorporate windows and architectural features. The front entrance must be accentuated by an architectural feature.
Allowable projections in a required setback area	-	Various building features may extend into required setback areas as set forth in s. 11.06.106.
Driveways and Parking		
Distance between driveway and adjoining property boundary line	I	Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	J	Minimum distance set by zoning district in Appendix C

Notes:

- Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

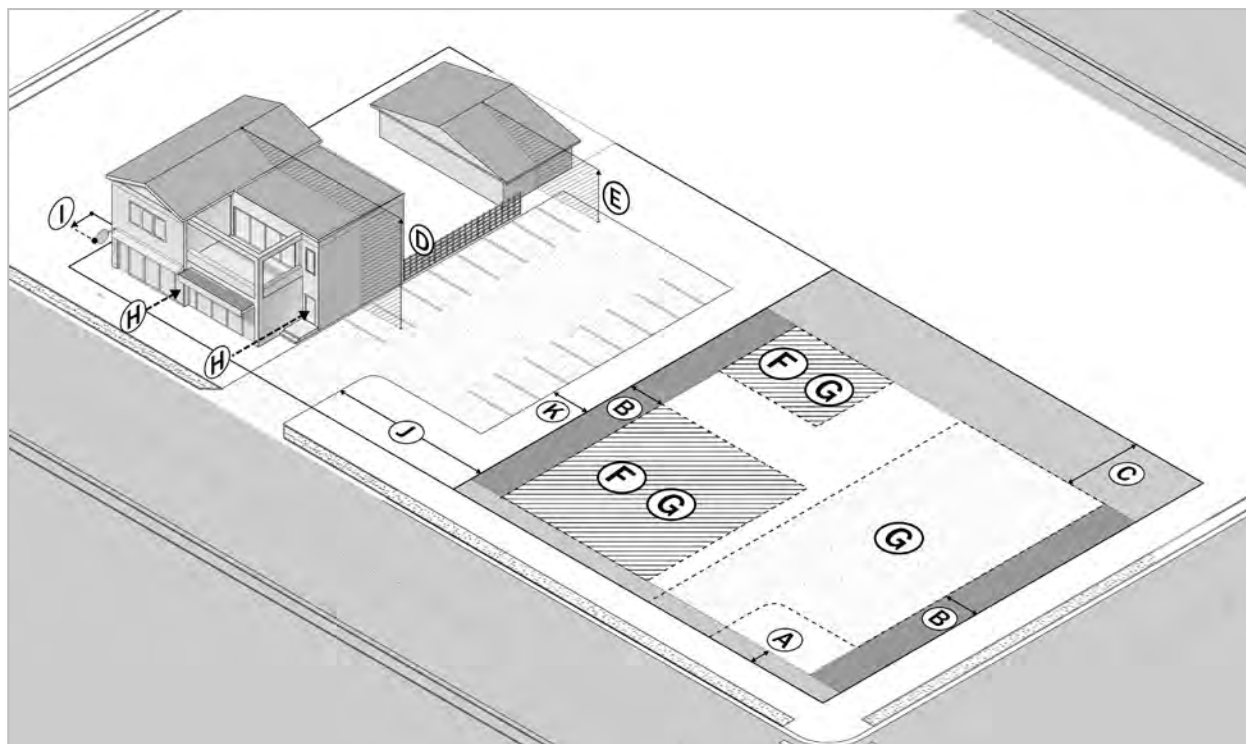


Work/live

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory buildings	E		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage	F		Maximum amount set by zoning district in Appendix C
Impervious surface	G		Maximum amount set by zoning district in Appendix C
Building Elements			
Entrance to building	H		The front entrance of the business must face the street or a courtyard of sufficient size. Such entrances must be accentuated by an architectural feature. The entrance to the dwelling area may be located in the side or back of the building.
Allowable projections in a required setback area	I		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Garage	-		When located in a business zoning district, except the B-1 district, a two-car garage containing at least 400 square feet must be built for each dwelling unit at the same time the work/live project is being constructed. Such garage may be attached or detached.
Vertical off-sets	-		When a building includes 5 or more units, there must be a vertical offset of at least 2 feet between each adjoining unit.
Driveways and Parking			
Distance between driveway and adjoining property boundary line	J		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	K		Minimum distance set by zoning district in Appendix C

Notes:

- Also see Appendix B for any supplemental requirements related to this specific building type.
- Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

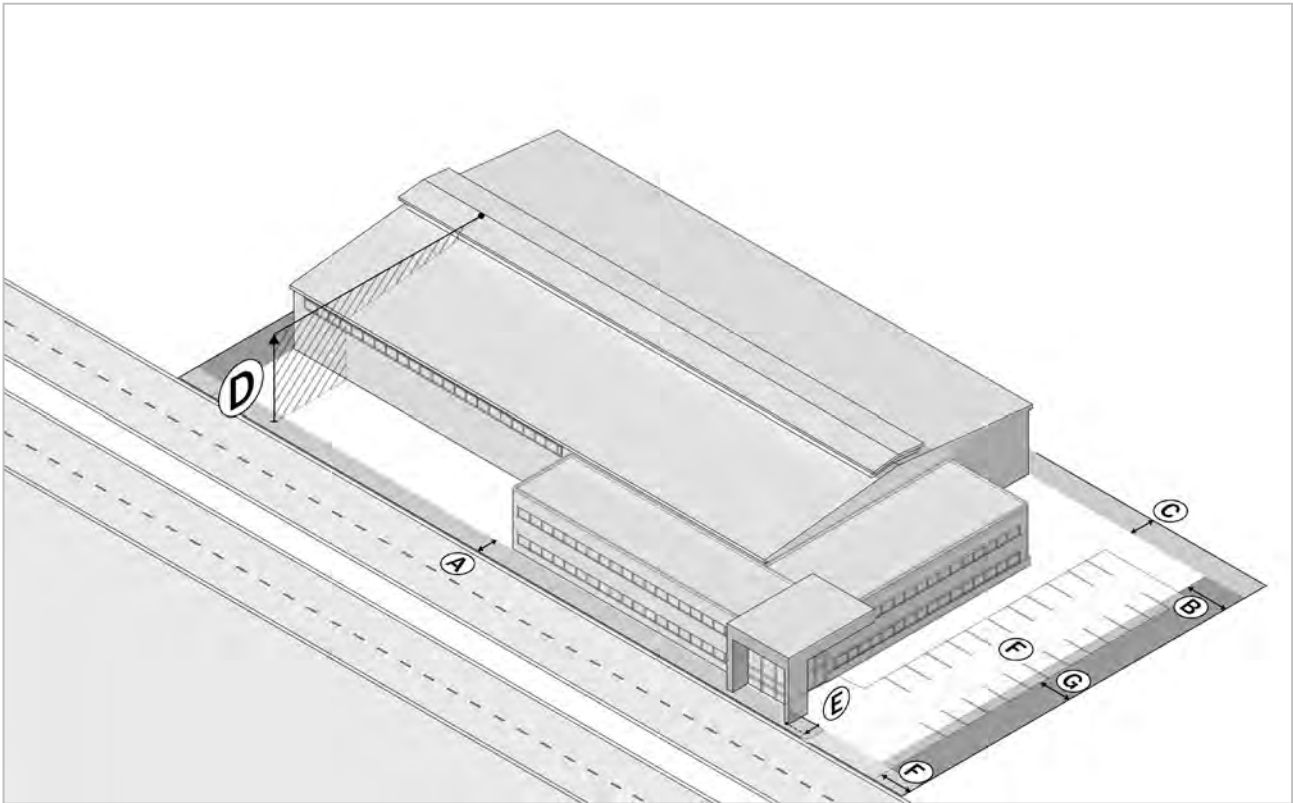


Industrial

Building Setbacks		Illustration Symbol	
Front yard setback	A		Minimum distance set by zoning district in Appendix C
Side yard setback	B		Minimum distance set by zoning district in Appendix C
Rear yard setback	C		Minimum distance set by zoning district in Appendix C
Building Height			
Principal building	D		Maximum height set by zoning district in Appendix C
Accessory buildings	-		Maximum height set by zoning district in Appendix C
Coverage			
Building coverage	-		Maximum amount set by zoning district in Appendix C
Impervious surface	-		Maximum amount set by zoning district in Appendix C
Building Elements			
Allowable projections in a required setback area	E		Various building features may extend into required setback areas as set forth in s. 11.06.106.
Driveways and Parking			
Distance between driveway and adjoining property boundary line	F		Minimum distance set by zoning district in Appendix C
Distance between parking lot and adjoining property boundary line	G		Minimum distance set by zoning district in Appendix C

Notes:

- 1. Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.

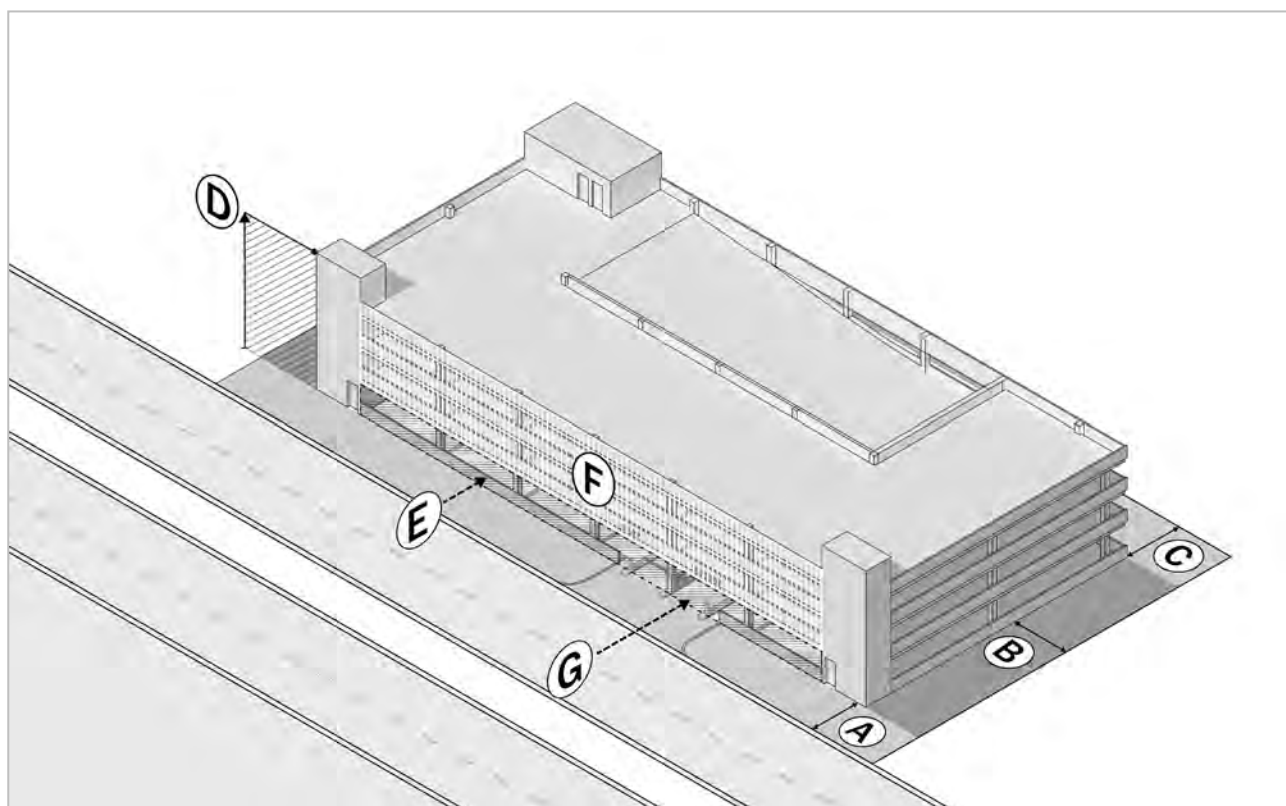


Parking Structure

Building Setbacks		Illustration Symbol
Front yard setback	A	Minimum distance set by zoning district in Appendix C
Side yard setback	B	Minimum distance set by zoning district in Appendix C
Rear yard setback	C	Minimum distance set by zoning district in Appendix C
Building Height		
Principal building	D	Maximum height set by zoning district in Appendix C
Coverage		
Building coverage	-	Maximum amount set by zoning district in Appendix C
Impervious surface	-	Maximum amount set by zoning district in Appendix C
Building Elements		
Integration of liner businesses and similar uses at street level	E	The Planning Commission may require liner businesses and/or other similar businesses along major streets when necessary to continue the pedestrian feel. The minimum width of such units is 16 feet.
Upper floor treatments	F	The Planning Commission may require treatments on the exterior to mask the appearance of any side.
Vehicle entrances	G	Vehicle entrances must be designed and located to minimize interference with pedestrian movement.
Driveways and Parking		
Distance between driveway and property boundary line	-	Minimum distance set by zoning district in Appendix C
Distance between parking lot and property boundary line	-	Minimum distance set by zoning district in Appendix C

Notes:

- Also see Division 6 and 7 in Article 6 for general site design principles and architectural standards that may apply.



Appendix E

General Definitions

A

- (1) **A Zone** Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) **Abutting** Having a common property line.
- (3) **Accessory building** See building, accessory
- (4) **Accessory use** See land use, accessory
- (5) **Acre** A unit for measuring surface area. One acre is equal to 43,560 square feet.
- (6) **Adult arcade** An establishment wherein coin, slug, electronically, or mechanically controlled or operated still or motion picture machines, projectors, computers, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (7) **Adult bath house** An establishment that provides a bath as a service, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state of Wisconsin and which provides to its patrons an opportunity for engaging in specified sexual activities.
- (8) **Adult body painting studio** An establishment wherein patrons are afforded an opportunity to be painted or to paint images on specified anatomical areas. The term does not include a tattoo parlor.
- (9) **Adult book/video store** An establishment having as its stock in trade the sale, rental, or lease for any form of consideration, any one or more of the following: (a) Books, magazines, periodicals or other printed or electronic matter, photographs, films, motion pictures, recordings, video cassettes, DVDs, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representations or physical medium which are distinguished or characterized by their emphasis on any actual or simulated specified sexual activities or specified anatomical areas, the removal of articles of clothing, or partial or totally nude appearance; (b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities; (c) Facilities or premises to which public patrons or members are invited or admitted for the presentation or viewing of adult entertainment as defined herein, including, but not limited to, adult-oriented films, motion pictures, video cassettes, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming or other visual representation or physical medium that allows an image to be displayed or transmitted; and/or any live performance, display, or dance of any type.
- (10) **Adult cabaret** An establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment, that regularly features (a) persons who appear nude or semi-nude; (b) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) film, motion pictures, video cassettes, streaming videos, DVDs, slides or other photographic or video reproductions or closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium, which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.
- (11) **Adult entertainment** Any exhibition of any motion picture, video cassette or recording, photographic reproduction, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other physical medium that allows an image to be displayed or transmitted; live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: (a) specified anatomical areas as defined in this section, (b) specified sexual activities as defined in this section, or (c) removal of articles of clothing or partial or total nude appearance.
- (12) **Adult massage parlor** An establishment with or without sleeping accommodations that provides the service of massage or body manipulation, including exercise, heat, and light treatment of the body, and any form or method of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the state of Wisconsin and which also provides its patrons with the opportunity to engage in specified sexual activities.

- (13) **Adult modeling studio** An establishment that provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or other means.
- (14) **Adult motel** An establishment that (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, cable/satellite transmission, subscriber programming, or other visual representation or physical medium characterized by depicting or describing specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this type of adult entertainment; (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or (c) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.
- (15) **Adult theater** An enclosed building such as a theater, concert hall, auditorium, or other similar business establishment which is used for presenting adult entertainment.
- (16) **AH Zone** See area of shallow flooding
- (17) **Alley** An accessway providing vehicular access to the back or side of one or more lots which also front on a street.



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- (18) **Alteration** When used in the context of floodplain regulations, an enhancement, upgrading, or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (19) **Animal unit** A unit of measure used to regulate the number of various types of livestock and other farm animals by type. In Wisconsin, one animal unit is equivalent to one beef cow or steer (600 lbs. or more) or any combination of other animals based on assigned animal unit factors.
- (20) **Animal unit equivalent factor** A numeric value assigned to various types of livestock and other farm animals in relation to one beef cow or steer (600 lbs. to market) as listed below.

Animal	Animal unit factor
Large animals including cows, horses, llamas, mules, donkeys, bison, and other similar animals	1.0
Sheep	0.3
Goat	0.3
Poultry, including chickens, ducks, geese, turkeys, and guineafowl	0.1
Rabbit	0.1

Note: The animals included in this table are illustrative; not all may be allowed in the city.

- (21) **Annexation** The process as authorized by state law by which land is removed from a town and added to a city or village. (In contrast see detachment)
- (22) **Antenna** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

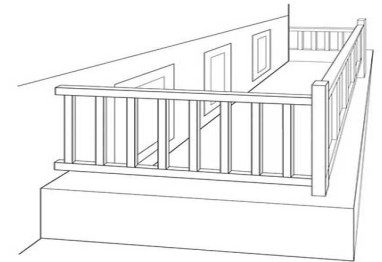
Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (23) **AO Zone** See area of shallow flooding
- (24) **Appeal** A process initiated by an aggrieved party to review a decision made pursuant to this chapter or an alleged failure to act as required by this chapter.
- (25) **Applicant** A person that submits an application as required by this chapter.
- (26) **Aquifer** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (27) **Arbor** A structure over a walkway or other open area often supporting vines or other plants.



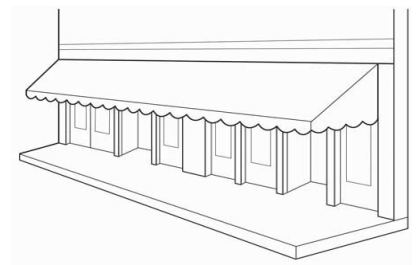
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- (28) **Area of shallow flooding** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (29) **Areaway** An excavated area next to a building that provides access, light, or both, to a door or one or more windows in an exterior basement wall.



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- (30) **Arterial street** A public street so designated on the zoning map or map supplement. (In contrast see collector street)
- (31) **Assessed value** The dollar amount assigned to taxable real and personal property by the assessor for the purpose of taxation.
- (32) **Auto title loan business** Any person licensed pursuant to s. 139.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.
- (33) **Awning** A sloped, roof-like feature that projects beyond the face of an exterior wall. An awning is typically placed above a door or window to provide protection from the sun and precipitation. An awning can be constructed of various materials, including metal, fabric, or plastic. An awning may be non-retractable or retractable so as to fold up against the building when not in use. (Also see canopy and marquee)



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B

- (34) **Balcony** A floor area that projects beyond the exterior wall of an upper story, is enclosed by a half wall or railing, and is only accessible from the building's interior. A balcony can be supported by columns or brackets or be cantilevered.



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- (35) **Base district** See zoning district, base
- (36) **Base flood** The flood having a one percent chance of being equaled or exceeded in any given year, as published by the Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).
- (37) **Basement** An enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).
- (38) **Basement** That portion of any structure located partly below the average adjoining lot grade.
- (39) **Berm** A mound or embankment of earth typically installed to provide screening or for aesthetic effect.



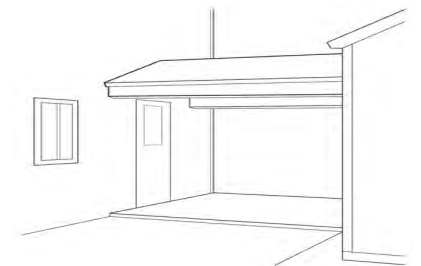
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- (40) **Bioswale** A feature that is specifically designed to collect stormwater from parking lots and streets and to infiltrate and filter the collected water. Bioswales are generally landscaped and include features to handle large stormwater flows.



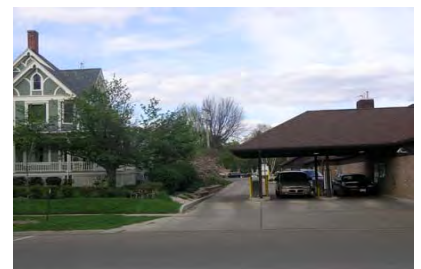
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- (41) **Block** A group of contiguous lots within a well-defined area and bounded by fixed boundaries such as streets, public land, and waterways. A block is usually assigned a number, letter, or other designation that is commonly used as part of a lot's legal description (e.g., Lot 1 of Block 2 of Fairway View subdivision).
- (42) **Board of appeals** See Zoning Board of Appeals
- (43) **Body piercer** An individual who performs body piercing on another upon his or her request.
Note: This definition is derived from s. DHS 173.03, Wis. Admin. Code.
- (44) **Body piercing** The perforating of any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
Note: This definition is derived from s. DHS 173.03, Wis. Admin. Code.
- (45) **Breezeway** A roofed structure without sides that connects two buildings.



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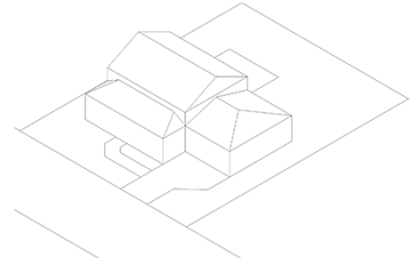
- (46) **Bufferyard** A linear strip of undeveloped land, along with landscaping and/or a fence, that is located between two different zoning districts that have potentially incompatible characteristics. Bufferyards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the more intrusive land use on the other.



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- (47) **Building** A structure having a roof supported by columns or walls that is used or intended for the shelter or enclosure of people, animals, equipment, or property of any kind. A building may be enclosed with walls or be open without walls.
- (48) **Building codes** Those regulations adopted by a municipality or the state of Wisconsin that regulate the construction, repair, alteration, and maintenance of buildings.
- (49) **Building coverage** The area of a lot, expressed as a percent, that is occupied by those buildings and structures specified in this chapter. Depending on the context, the term may refer to the actual or proposed amount, or the maximum amount that is permitted in a particular zoning district. (In contrast see impervious coverage)

Note: See s. **11.06.109** that describes how building coverage is measured.



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- (50) **Building height** The vertical height of a building from the mean elevation of the finished grade along the front of the building to the highest point of all roofs. Depending on the context, the term may refer to the height of an existing, proposed, or permitted building.
- Note: See s. **11.06.108** that describes how building height is measured.
- (51) **Building inspector** The individual so designated by the City of Wisconsin Rapids. (In contrast see zoning administrator)
- (52) **Building permit** A permit issued prior to the construction of, or addition to, a structure. (In contrast see zoning permit)
- (53) **Building scale** The relationship between the mass of a building and its surroundings; including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.
- (54) **Building, accessory** A building or portion of a building used for a purpose customarily incidental to the permitted use of the lot and located on the same lot as the principal use.
- (55) **Building, principal** The building in which the principal use of the lot on which it is located is conducted.
- (56) **Bulkhead line** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions.
- (57) **Burden of proof** The obligation of a party to establish a fact by evidence.

C

- (58) **Caliper** The diameter of a tree, measured at a point 6 inches above the ground line if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground line.

Note: The plant nursery trade uses this measurement standard, while the timber industry uses diameter breast height (DBH).



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- (59) **Campground space** A designated portion of a campground that is rented for the exclusive use of its occupants. A campground space may include a parking area, fire ring, table, and other amenities.
- (60) **Camping unit** When used in the context of the floodplain regulations, a portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.
- (61) **Canopy** A permanent, roof-like feature above a driveway or a sidewalk to provide protection from the elements.
- (62) **Certificate of appropriateness** A certificate issued by the Common Council, pursuant to Chapter 31 of the municipal code, approving the alteration, rehabilitation, construction, or demolition of a historic structure, historic site, or any improvement in a historic district.

- (63) **Certificate of compliance** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- (64) **CFR** An abbreviation for Code of Federal Regulations
- (65) **Channel** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (66) **City** The City of Wisconsin Rapids, Wood County, state of Wisconsin.
- (67) **Clear vision triangle** See vision triangle
- (68) **Collector street** A public street so designated on the zoning map or map supplement. (In contrast see arterial street)
- (69) **Co-location** The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.
- (70) **Commercial zoning district** A base zoning district so designated in s. **11.06.02**. (See also industrial zoning district, residential zoning district, and special zoning district)
- (71) **Common Council** The City of Wisconsin Rapids Common Council, state of Wisconsin.
- (72) **Compost bin** A structure built to house compost which aids in the decomposition of organic matter through aeration and water retention.
- (73) **Comprehensive plan** The document adopted by the Common Council consistent with s. 66.1001, Wis. Stats.
- (74) **Conditional use** See land use, conditional
- (75) **Conditional use order** A written decision issued by the **Plan Commission** authorizing the zoning administrator to issue a conditional use permit provided those conditions imposed by the commission precedent to the issuance of the permit have been satisfied.
- (76) **Conditional use permit** A permit issued by the zoning administrator authorizing establishment of a conditional use consistent with the provisions of this chapter.
- (77) **Condominium** A form of property ownership under ch. 703, Wis. Stats., where multiple owners individually own specified portions of a building along with any common elements.
- (78) **Cone of depression** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well. (current zoning code)
- (79) **Conversion order** A written decision authorizing the property owner to convert an existing nonconforming use to a different nonconforming use that is determined to be of the same or lesser degree of nonconformity.
- (80) **Corner lot** See lot, corner
- (81) **Cottage housing development** A residential project characterized by comparatively small housing units that front on a common area. (In contrast see traditional neighborhood development)
- (82) **Courtyard** An uncovered area that is completely or partially enclosed by walls or buildings.

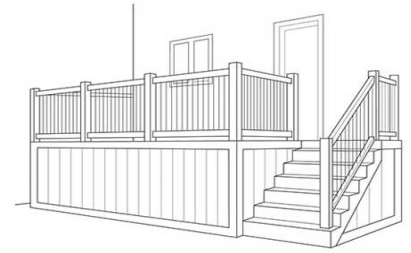


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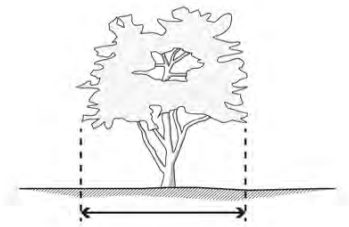
- (83) **Crawl space** An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities. (In contrast see basement)
- (84) **Curb** The barrier used to separate a street and other vehicle use areas from the surrounding environs.
- (85) **Cutoff luminaire** See luminaire, cutoff

D

-
- (86) **Deck** A structure characterized by a flat, unroofed, horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilever, or other similar methods. A deck must have a permeable surface to allow the infiltration of precipitation. (In contrast see stoop)



- (87) **Detachment** The process as authorized by state law by which land is removed from a city or village and added to a town.
(In contrast see annexation)
- (88) **Development** An activity that must comply with, or is anyway regulated by, this chapter.
- (89) **Development agreement** A contract between a developer and a municipality that describes the obligations of one or both parties regarding a private development project.
- (90) **Dimensional variance** See variance, dimensional
- (91) **Disability** A mental or physical impairment that substantially limits one or more life activity.
- (92) **District** See zoning district
- (93) **Dog enclosure** Any outdoor structure or enclosure used to restrict dogs to a contained yard area.
- (94) **Double frontage lot** See lot, through
- (95) **Drainage system** When used in the context of shoreland-wetland zoning regulations, one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (96) **Drip line** A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground.



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- (97) **Driveway** A private route of ingress and egress from a private or public right-of-way, which provides access to a residential dwelling, business, or properties.
- (98) **Dryland access** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.



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- (99) **Dwelling unit** A building, or portion thereof, that provides complete, independent living facilities for one household unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

- (100) **Easement** A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs.
- (101) **Electric vehicle (EV) charging station** An apparatus mounted on a wall or on a pedestal that is used to charge the battery in an electric vehicle.



- (102) **Encroachment** Any fill, structure, equipment, use, or development in the floodway.
- (103) **Environmental control facility** When used in the context of shoreland-wetland zoning regulations, a temporary or permanent facility that is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste and thermal, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (104) **Equipment compound** When used in the context of telecommunication facilities, the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

Note: Definition derived from s. 66.0404(1), Wis. Stats.



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- (105) **Established road grade** The elevation of the finished road at the centerline as fixed by the city engineer or building inspector.

F

- (106) **FAA** An abbreviation for Federal Aviation Administration
- (107) **Facade** The exterior face of a building including projections from and attachments to the building's face. Projections and attachments include balconies, decks, porches, awnings, and chimneys.
- (108) **Fall zone** When used in the context of telecommunication facilities, the area over which a mobile support structure is designed to collapse.
- Note: Definition taken from s. 66.0404(1), Wis. Stats.
- (109) **Family** See household unit
- (110) **Farm drainage ditch** An artificial channel that drains water from lands currently used for agricultural purposes.
- Note: This term is used in the definition for navigable water.
- (111) **FCC** An abbreviation for Federal Communications Commission
- (112) **Federal Communications Commission (FCC)** A federal agency established by the Communications Act of 1934 to regulate broadcast communications (e.g., wire, radio, and television) in the United States.
- (113) **Federal Emergency Management Agency (FEMA)** A federal agency created in 1979 with a mission to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery. It administers the National Flood Insurance Program among others.
- (114) **FEMA** An acronym for Federal Emergency Management Agency
- (115) **Financial guarantee** A written guarantee, such as a letter of credit, that a developer submits to the City to ensure the completion of an obligation relating to a development project.
- (116) **Fire lane** A hard surfaced travelway extending along one or more sides of a building or other structure that provides access exclusively for fire fighters.
- (117) **FIRM** An acronym for flood insurance rate map
- (118) **FIS** An abbreviation for flood insurance study

- (119) **Five-year time of travel** The 5-year time of travel is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- (120) **Fixed houseboat** A structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- Note: This definition based on corresponding definition in s. 30.121(1), Wis. Stats.
- (121) **Flag lot** See lot, flag
- (122) **Flood** A general and temporary condition of partial or complete inundation of normally dry land areas caused by (1) the overflow or rise of inland waters; (2) the rapid accumulation or runoff of surface waters from any source; (3) the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or (4) the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (123) **Flood frequency** The probability of a flood occurrence, which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (124) **Flood hazard boundary map** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.
- (125) **Flood insurance rate map (FIRM)** A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (126) **Flood insurance study (FIS)** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (127) **Flood profile** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (128) **Flood protection elevation** An elevation of 2 feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see freeboard)
- (129) **Flood storage** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (130) **Floodfringe** That portion of the floodplain outside of the floodway that is covered by flood waters during the regional flood and associated with standing water rather than flowing water. (In contrast see floodway)
- (131) **Floodplain** Land that has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes. (Also see regional flood)
- (132) **Floodplain island** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (133) **Floodplain management** Policies and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (134) **Floodproofing** Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (135) **Floodway** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge. In contrast see floodfringe)
- (136) **Floor area** The maximum horizontal projected area of a building measured at each level from outside wall to outside wall.
- (137) **Footcandle (FC)** The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

- (138) **Freeboard** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (139) **Front yard** See yard, front
- (140) **Frontage** The portion of a lot abutting a public street measured along the street line. On corner lots, this shall be interpreted as the portion of the public street by which the structure is addressed. In all commercial and industrial zones, the front yard dimension must be taken from the right-of-way line of the principal street, as determined by the engineering department.
(current zoning code)
- (141) **Fugitive dust** Solid airborne particulate matter resulting from any activity conducted on a parcel.

G

- (142) **Glare** The stray unshielded light striking the eye that may result in (i) nuisance or annoyance glare such as the light shining into a window; (ii) discomfort glare such as bright light causing squinting of the eyes; or (iii) disabling glare such as bright light reducing the ability of the eyes to see into shadows or reduction of visual performance.
- (143) **Groundwater Technical Review Committee** The body created pursuant to Article 3.

H

- (144) **Habitable structure** A structure or portion thereof used or designed for human habitation.
- (145) **Hazard** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
- (146) **Hazardous substance** A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.
- (147) **Hazardous waste** A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- (148) **Height of building** See building height
- (149) **High flood damage potential** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (150) **Highest adjacent grade** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (151) **Highway width map** A map adopted by Wood County pursuant to s. 66.1031, Wis. Stats.
- (152) **Historic site** Any parcel of land so designated by the Common Council pursuant to the procedures and requirements in Chapter 31 of the municipal code.
- (153) **Historic structure** When used in the context of floodplain regulations, a structure that is (i) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (154) **Holiday lighting** A string of individual low-wattage lamps temporarily installed in connection with a holiday or religious observance and removed after such observance.
- (155) **Household unit** An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so

related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.

I

- (156) **Ice cream vending vehicle** Shall mean every motor vehicle from which ice cream, ice milk, frozen dairy products, ice flavored with syrup, or other confections are sold at retail, and that does not typically stop in a fixed location to wait for customers if customers are not present. *Ice cream vending vehicle* shall not include refrigerated, retail trucks which deliver pre-ordered ice cream or other frozen dairy products to a customer's residence.
- (157) **Impervious coverage** The area of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. Depending on the context, impervious coverage could refer to the actual or proposed amount, or the maximum amount that is permitted in a zoning district. (In contrast see building coverage)
- Note: See s. **11.06.110** that describes how impervious coverage is measured.
- (158) **Increase in regional flood height** A calculated upward rise in the regional flood elevation greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.
- (159) **Industrial zoning district** A base zoning district so designated in s. **11.06.02**. (See also commercial zoning district, residential zoning district, and special zoning district)
- (160) **Interior lot** See lot, interior

L

- (161) **Lamp** The component of a luminaire that produces the actual light.
- (162) **Land** The earth, water, and air, above, below, or on the surface.
- (163) **Land use** As the context indicates, (i) the development that has occurred on the land, (ii) development that is proposed for the land, or (iii) the use permitted for the land under this chapter.
- (164) **Land use, accessory** A land use that is subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.
- (165) **Land use, conditional** A land use, which by its nature, character, or circumstance, is so unique or so dependent upon specific conditions that permissibility by right is not practical, but which may be permitted subject to certain conditions and requirements as determined by the reviewing authority.
- (166) **Land use, permitted by right** A land use that is allowed throughout a specified zoning district. Land uses permitted by right may be reviewed to ensure that all provisions of local, state, and federal regulations are met.
- (167) **Land use, principal** The main or primary use of a property as may be allowed under this chapter.
- Note: In some situations, a parcel of land can have more than one principal land use.
- (168) **Land use, temporary** A land use which is on a parcel of land for a limited and specified period of time.
- (169) **Landscape island** An area reserved for landscaping within a parking lot or other paved or improved area.



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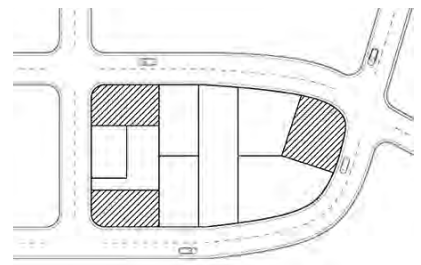
- (170) **Landscape plan** A drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by this chapter. Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan. (Also see site plan)
- (171) **Legal nonconforming building** See nonconforming building
- (172) **Legal nonconforming lot** See nonconforming lot

- (173) **Legal nonconforming structure** See nonconforming structure
- (174) **Legal nonconforming use** See nonconforming use
- (175) **Light fixture** See luminaire
- (176) **Light pollution** Any adverse effect of artificial light including, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.
- (177) **Light trespass** Light that falls beyond the property it is intended to illuminate.
- (178) **Livestock** Any of the following animals: bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., alpacas, llamas, camels), and ratites (e.g., emus, ostriches).
- (179) **Loading area** A designated place on a parcel of land that is used for the loading or unloading of freight carriers.



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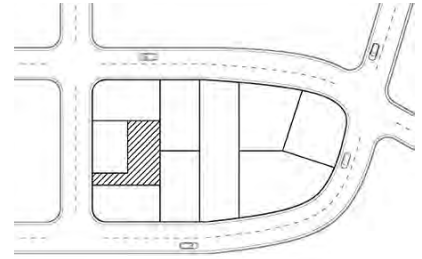
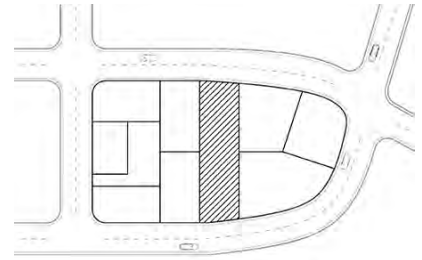
- (180) **Lot** A land area having a definable location based on a survey or similar legal instrument recorded by the Wood County register of deeds. Where a navigable stream, navigable body of water, mil tax road, or public right-of-way divides a single described parcel into two or more parts, such severed portions shall be considered separate individual lots provided they meet the use, building location, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet such use, building, location, and area regulations they, in combination, shall be considered to be a single lot for regulatory purposes, computation of area requirements, and other locational provisions of this chapter.
- (181) **Lot area** As the context indicates, the minimum required area of a lot, actual area of a lot, or proposed area.
- Note: See s. **11.06.102** that describes how lot area is measured.
- (182) **Lot line** A line dividing one parcel of land from another.
- (183) **Lot line, front** The lot line described for each of the following types of lots. (1) For an interior lot, the property boundary line abutting a road right-of-way. (2) For a corner lot, the line abutting a street providing physical access (i.e., driveway) to the property. (3) For a through lot, the property boundary line abutting the road providing the primary access to the lot. (4) For a flag lot, the interior lot line most parallel to and nearest the road from which physical access is obtained.
- (184) **Lot line, rear** A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.
- (185) **Lot line, side** A lot line that is not a front or rear lot line.
- (186) **Lot width** The width of a parcel of land measured at the front of the specified street yard. Depending on the context, the term can refer to the required width of a lot, actual width, or proposed width.
- Note: See s. **11.06.103** that describes how lot width is measured.
- (187) **Lot, corner** A lot situated at the junction of and fronting on two or more streets. A lot abutting on a curved street is considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of 135 degrees or less.



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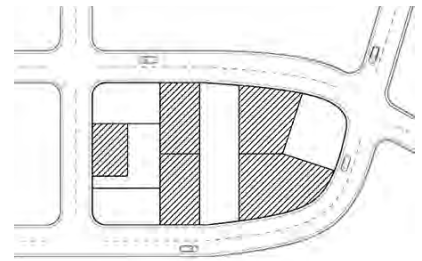
- (188) **Lot, double frontage** An interior lot having street frontage on the front and the rear of the lot.

- (189) **Lot, flag** A lot which has a narrow strip of land that extends from street to the main part of the lot where a building could be lawfully constructed.



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- (190) **Lot, interior** A lot that abuts only one street and has lots along both of its sides.



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- (191) **Lot, through** A lot having a frontage on two streets that are more or less parallel to one another. On a through lot, both street lines shall be deemed front lot lines.
- (192) **Lowest adjacent grade** The elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (193) **Lowest floor** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- (194) **Low-impact stormwater design** A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bioswales, rain gardens, and pervious surfaces. This term is sometimes referred to as low impact development (LID).
- (195) **Lumen** A unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire.
 Note: The lumen output of a lamp is typically listed on the packaging. A 60-watt incandescent lamp produces 950 lumens and a 55-watt low-pressure sodium lamp produces 8,000 lumens.
- (196) **Luminaire** A complete lighting unit, consisting of one or more lamps and ballast(s), if any, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- (197) **Luminaire, cutoff** A luminaire that is designed and installed so that the luminous intensity at or above an angle of 90 degrees above nadir (as measured directly below the lamp to the ground) does not exceed 2.5 percent of the luminous flux of the lamp or lamps in the luminaire, and the luminous intensity at or above a vertical angle of 80 degrees above nadir does not exceed 10 percent of the luminous flux of the lamp or lamps in the luminaire.
- (198) **Luminaire, shielded** A luminaire that is designed and installed so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture

where light is emitted.

M

- (199) **Maintenance and repair** See ordinary maintenance and repair
- (200) **Manufactured home** A dwelling unit that is constructed in an off-site facility in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

Note: A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards.



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- (201) **Marquee** A flat, roof-like feature that projects beyond the face of an exterior wall. A marquee is typically placed above a door or window to provide protection from the sun and precipitation. (Also see awning)



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- (202) **Mausoleum** An above-ground structure that is used or intended to be used for the burial of human remains.
- (203) **Mausoleum, private** A mausoleum designed to hold no more than 10 human remains and no spaces are offered for sale to the general public.
- (204) **Mausoleum, public** A mausoleum designed to hold more than 10 human remains or a mausoleum in which at least one mausoleum space is offered for sale to the general public.
- (205) **Mitigate** To take an action designed to offset or rectify a negative effect.
- (206) **Mobile home** A dwelling unit that was originally constructed prior to June 15, 1976, and that is (i) constructed off-site, (ii) equipped with the necessary utility service connections, (iii) made to be readily movable as a unit or units on its (their) own running gear, and (iv) designed to be used with or without a permanent foundation.
- Note: After June 15, 1976 no mobile homes have been constructed.
- (207) **Mobile home space** A designated area of a mobile home park that is designed to accommodate either one manufactured home or one mobile home for exclusive use of the occupants.
- (208) **Mobile service** A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (i) both one-way and two-way radio communication services; (ii) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and (iii) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (209) **Mobile service facility** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (210) **Mobile service provider** A person who provides mobile service.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (211) **Mobile vendor/ vending unit** Mobile Vendor / vending unit: Mobile vendor means a person who peddles, vends, sells, serves, displays, offers to sell or give away food, beverages, and related items from a mobile vending unit. Mobile Vending Unit means any motorized or non-motorized vehicle, trailer, kiosk, push, or pedal cart, stand, display, carried container, blanket, ground covering, or other devices, designed to be portable and not permanently attached to the ground from which food, beverages, or related items are being peddled, vended, sold, serviced, displayed, offered for sale or given away. Mobile vending does not include a mobile wholesale delivery unit, a vehicle which is used solely to transport or deliver food, or a common carrier regulated by the state or federal government.
- (212) **Model, corrected effective** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (213) **Model, duplicate effective** A copy of the hydraulic analysis used in the effective flood insurance study and referred to as the effective model.
- (214) **Model, effective** The hydraulic engineering model that was used to produce the current effective flood insurance study.
- (215) **Model, existing (pre-project)** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (216) **Model, revised (post-project)** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- (217) **Modular home** A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.
- (218) **Mulch** A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.
- (219) **Municipal code** The compilation of laws as adopted by the City of Wisconsin Rapids.
- (220) **Municipal water supply** The municipal water supply of the City of Wisconsin Rapids.

N

- (221) **Natural Resources Conservation Service (NRCS)** A federal agency created in 1935 within the U.S. Department of Agriculture to work with private land owners and managers to conserve their soil, water, and other natural resources by providing technical and financial assistance. From 1935 to 1994, it was known as the Soil Conservation Service (SCS).
- (222) **NAVD (North American Vertical Datum)** Elevations referenced to mean sea level datum, 1988 adjustment.
- (223) **Navigable waterway** Lake Superior, Lake Michigan, natural inland lakes, streams, ponds, sloughs, flowages, and other waters, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The term does not include farm drainage ditches if (i) such lands are not adjacent to a natural navigable stream or river, (ii) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (iii) such lands are maintained in nonstructural agricultural use. (Also see farm drainage ditch)
- Note: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975) and *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).
- (224) **New construction** For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (225) **NGVD (National Geodetic Vertical Datum)** Elevations referenced to mean sea level datum, 1929 adjustment.
- (226) **Nonconforming building** A building that at the time of construction conformed to the then existing regulations including size, height, location, and other dimensional standards, but is now inconsistent with this chapter.

- (227) **Nonconforming lot** A lot that at the time of creation conformed to the then existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this chapter.
- (228) **Nonconforming structure** A structure that at the time of construction or placement conformed to the then existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (229) **Nonconforming use** A use of land that at the time of establishment conformed to the then existing regulations, but is now inconsistent with this chapter.
- (230) **NRCS** An abbreviation for Natural Resources Conservation Service

O

- (231) **Obstruction to flow** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (232) **Official floodplain zoning map** That map, adopted and made part of this chapter, as described in s. **11.09.21**, which has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).
- (233) **Offset** See setback
- (234) **Operating standards** Regulations in this chapter that control the ongoing operation of a land use, including related business practices.
- (235) **Ordinary high-water mark (OHWM)** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.
- (236) **Ordinary maintenance and repair** Those activities related to the general day-to-day maintenance of a building or other similar structure including interior remodeling; painting, decorating, paneling, plumbing, insulation, the repair of cracks in a foundation wall, the application of waterproof coatings to a foundation wall, and the replacement of windows, doors, electric wiring, siding, roofing materials, and other nonstructural components. (In contrast see structural alteration)
- (237) **Overlay district** See zoning district, overlay



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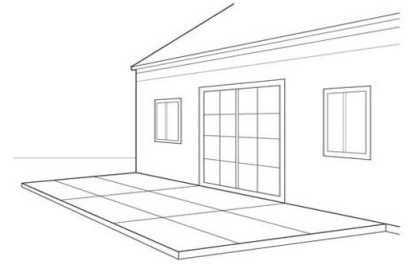
P

- (238) **Panelized home** A dwelling unit that meets local building codes and which was constructed off site in a factory generally as flat panels (e.g., walls, roof, and floor) which are joined together and set on a permanent foundation.
- (239) **Parking space** An area permanently reserved and maintained for the parking of one motor vehicle that meets the dimensional and access standards of this chapter.



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- (240) **Patio** An at-grade surfaced area intended for outdoor living that may be next to a building or separated from a building.



- (241) **Payday loan business** Any person licensed pursuant to s. 218.05, Wis. Stats., or a person licensed pursuant to s. 139.09, Wis. Stats., who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.
- (242) **PDD** An abbreviation for planned development district
- (243) **Permanent foundation** A foundation wall under the entire perimeter of a building.
- (244) **Permitted use** See land use, permitted by right
- (245) **Person** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- (246) **Pier** A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally. (Also see wharf)



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- (247) **Plan of operation** A document describing the operation of a particular enterprise and other related matters as may be required by this chapter. (Also see site plan)
- (248) **Planned development district (PDD)** A base zoning district established pursuant to this chapter that has "PDD" followed by a number as its abbreviation (e.g., PDD-01).
- (249) **Planning Commission** The commission established by the Common Council to make recommendations and decisions relating to planning and land use issues as authorized by this chapter and Wisconsin Statutes.
- (250) **Playhouse** An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.
- (251) **Porch** A part of a building with a roof of its own that covers an entrance.



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- (252) **Pre-cut home** A dwelling unit that meets local building codes and which was largely constructed off site in a factory and then disassembled and transported to the site where it is reassembled and set on a permanent foundation.
- (253) **Principal building** The primary building on a lot housing a principal use.
- (254) **Principal land use** See land use, principal
- (255) **Principal use** See land use, principal
- (256) **Private sewage system** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

- (257) **Property boundary line** See lot line
- (258) **Public notice** The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.
- (259) **Public utilities** When used in context of the floodplain regulations, those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (260) **Public utility** A public utility as defined in s. 196.01, Wis. Stats.
- Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

R

- (261) **Rain garden** A planted area that is designed, with respect to placement and plant selection, to filter and temporarily store stormwater runoff from impervious surfaces.
- (262) **Rear yard** See yard, rear
- (263) **Reasonably safe from flooding** Base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (264) **Recharge area** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- (265) **Recreational vehicle (RV)** A motorized vehicle that has a cabin for living accommodations and is commonly used for recreational travel and touring. Vehicles included in this category come in several forms including travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes, and camper vehicles, all of which have a motor within the body of the vehicle and are self-propelled.
- (266) **Regional flood** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the flood insurance rate maps (FIRM), the regional flood elevations is equivalent to the base flood elevation (BFE).
- (267) **Repair and maintenance** See ordinary maintenance and repair
- (268) **Residential zoning district** A base zoning district so designated in s. **11.06.02**. (See also commercial zoning district, industrial zoning district, and special zoning district)
- (269) **Reviewing authority** As the context indicates, the zoning administrator, Planning Commission, Common Council, or Zoning Board of Appeals.
- (270) **Rezoning** See zoning map amendment
- (271) **Right-of-way** A strip of land dedicated to or acquired by the City of Wisconsin Rapids, Wood County, or the state of Wisconsin for public use. (In contrast see easement)

S

- (272) **Screen** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.
- (273) **Search ring** When used in the context of telecommunication facilities, a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- Note: Definition taken from s. 66.0404(1), Wis. Stats.
- (274) **Setback** As the context indicates, the minimum required distance between a building and one or more lot lines, the actual distance, or the proposed distance.
- Note: See s. **11.06.106** that describes how setbacks are measured.
- (275) **Setback averaging** An approach to determining the minimum required setback when the subject property is in an area of previously developed lots and the actual setbacks on those lots are less than the required setback for the district in which the subject property is located.
- (276) **Shared driveway** A driveway that serves two adjoining parcels and that is generally centered on the shared lot line.



- (277) **Shared parking** One or more parking spaces that partially or entirely meet the parking requirements of two or more land uses.
- (278) **Shielded luminaire** See luminaire, shielded
- (279) **Shoreline buffer zone** An area extending from the ordinary high-water mark of navigable water bodies landward for a horizontal distance of 35 feet.
- (280) **Shoreline setback** A building setback requirement extending from the ordinary high-water mark of navigable waterbodies landward for a horizontal distance of 50 feet.
- (281) **Side yard** See yard, side
- (282) **Sight triangle** See vision triangle
- (283) **Site plan** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see plan of operation and landscaping plan)
- (284) **Site visit** A walking tour of a property that is subject to a pending application. Participants may include members of the review authority, city staff, the applicant and his/her agents, and members of the public. A site visit must be conducted in compliance with Wisconsin's open meeting requirements, other state and federal requirements, and this chapter.
- (285) **Site-built home** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on site. Also known as a "conventional home" or "stick-built home."
- (286) **Sky glow** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
- (287) **Slope** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. For example, a 3:1 slope is 3 feet horizontal and 1 foot vertical.
- (288) **Special exception** An approval that may be granted by the Planning Commission to deviate from otherwise applicable provisions of this chapter when certain circumstances apply. (In contrast see variance)
- (289) **Special purpose zoning district** A base zoning district so designated in s. **11.06.02**. (See also commercial zoning district, industrial zoning district, and residential zoning district)
- (290) **Sport court** A hard-surfaced area located out of doors used exclusively for basketball, tennis, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.



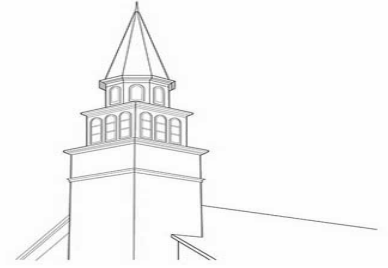
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- (291) **Start of construction** When used in the context of floodplain regulations, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 calendar days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

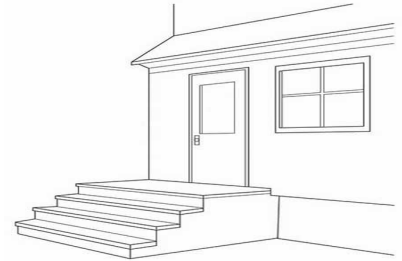
(292) **State** The state of Wisconsin.

(293) **Steeple** A tower that rises above the building of which it is part and which is capped with a tall roof form tapering to a point.



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(294) **Stoop** A raised platform in front of an entrance to a building with one or more steps. (In contrast see deck, which is intended for outdoor living.)



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(295) **Stormwater** Water from a rainfall event or melting snow or ice.

(296) **Story** That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.

(297) **Stream** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

(298) **Street** A hard-surfaced travelway, generally within a public right-of-way or an easement, that is open to the public for vehicular travel.

(299) **Street terrace** The area between the back of a curb or the edge of pavement where there is no curb and the closest property boundary line.

(300) **Street yard** See yard, front

(301) **Street, private** A street not maintained by the City of Wisconsin Rapids, Wood County, the state of Wisconsin, or the federal government.

(302) **Street, public** A street maintained by the City of Wisconsin Rapids, Wood County, the state of Wisconsin, or the federal government.

(303) **Structural alteration** Any change in a supporting member of a building such as foundation, exterior wall, column, beam, or girder or any substantial change in the roof structure. (In contrast see ordinary maintenance and repair)

(304) **Structure** A manmade object with form, shape, and utility that is either permanently or temporarily placed on or into the ground, a stream bed, or a lake bed, or on another structure. Examples include buildings, decks, patios, stoops, play structures, swimming pools, hot tubs, tents, bridges, storage tanks, fences, towers, flag poles, utility poles, pipelines, transmission lines, smokestacks, and signs.

(305) **Subdivision** Has the meaning given in s. 236.02(12), Wis. Stats.

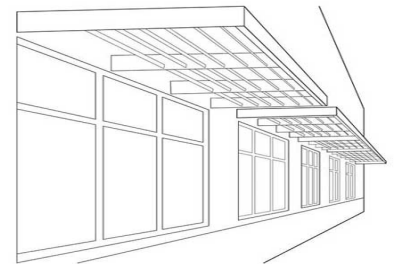
(306) **Substandard lot** See nonconforming lot

(307) **Substantial damage** Damage of any origin sustained by a structure, where the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(308) **Substantial evidence** Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Note: This definition is based on the definition in s. 62.23(7)(de), Wis. Stats.

- (309) **Substantial improvement** Any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work preformed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (310) **Substantial modification** When used in the context of telecommunication facilities, the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
- (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet, except as provided below.
 - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more, except as provided below.
 - (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation, except as provided below.
 - (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet. An activity is not a substantial modification under subs. (a) and (b) above, if a greater height is necessary to avoid interference with an existing antenna. Furthermore, an activity is not a substantial modification under sub. (c) above, if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- Note: Definition derived from s. 66.0404, Wis. Stats.
- (311) **Sunshade** A fixture, consisting of fixed panels or louvers, that is permanently mounted to the exterior of a building to shade a window.



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- (312) **Support structure** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- Note: Definition taken from s. 66.0404(1), Wis. Stats.

T

- (313) **Tattoo** To insert pigment under the surface of the skin of an individual by pricking with a needle or other instrument or technique so as to produce an indelible mark or figure through the skin.
- Note: Definition derived from s. DHS 173.03, Wis. Admin. Code.
- (314) **Tattooist** An individual who tattoos another upon his or her request.
- Note: Definition derived from s. DHS 173.03, Wis. Admin. Code.
- (315) **Temporary use** See land use, temporary
- (316) **Thirty-day time of travel** The recharge area upgradient of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take 30 days to reach a pumping well.
- (317) **Through lot** See lot, through
- (318) **TND** An abbreviation for traditional neighborhood development
- (319) **Tourist or transient** A person who travels to a location away from his or her permanent address for a period of less than 30 consecutive calendar days for vacation, pleasure, recreation, culture, business, or employment.
- (320) **Traditional neighborhood development (TND)** A development that is characterized by grid street pattern with alleys, buildings oriented to the street, front porches on houses, a focus on pedestrian facilities, a mix of compatible land uses, and

village squares or greens. (In contrast see cottage housing development)

- (321) **Trellis** A structure consisting of lattice with supporting posts and rails often supporting vines or other plants and used for aesthetic purposes or as a visual screen or barrier, or both.

U

- (322) **Use variance** See variance, use

- (323) **Utility pole** When used in the context of telecommunication facilities, a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d), Wis. Stats.; public utility, as defined in s. 196.01(5), Wis. Stats.; telecommunications utility, as defined in s. 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017(1g)(cq), Wis. Stats.; for video service, as defined in s. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

Note: Definition taken from s. 66.0404(1), Wis. Stats.

V

- (324) **Variance** A grant of relief, as approved by the Zoning Board of Appeals, from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited. (In contrast see special exception)

- (325) **Variance, area** A variance that modifies a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.

Note: This definition is based on the definition in s. 62.23(7)(e)(7)a., Wis. Stats.

- (326) **Variance, dimensional** A variance that allows a use of land that is not otherwise allowed or is specifically prohibited by this chapter.

Note: This definition is based on the definition in s. 62.23(7)(e)(7)a., Wis. Stats.

- (327) **Vision triangle** The area in the shape of a triangle located at the intersection of two roads or at the intersection of a road and a driveway or other travelway within which the type and placement of structures and vegetation are controlled to ensure adequate sight distances for pedestrians and motorists. The configuration and size of this area is based on standards included in this chapter.

W

- (328) **Water surface profile** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

- (329) **Watercraft** Any device used and designed for navigation on water.

- (330) **Watt** A measure of power consumption.

- (331) **Well** An excavated opening in the ground made by digging, boring, drilling, driving, or other method to obtain groundwater regardless of its intended use.

- (332) **Well field** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

- (333) **Wetland** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

- (334) **Wetland alteration** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

- (335) **Wetland inventory map** A map prepared by the Wisconsin Department of Natural Resources that shows wetlands as defined by the department.

- (336) **Wetland vegetation** Plants of all types typically growing in and associated with a wetland.

- (337) **Wharf** A structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers

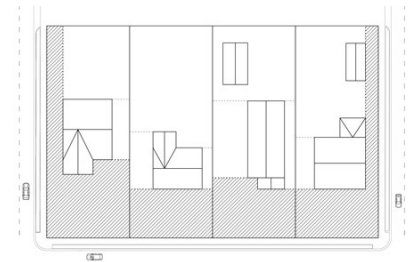
onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed. (Also see pier)

- (338) **Woody vegetation** Perennial plants having hard lignified tissues or woody parts, especially stems.
- (339) **Written or in writing** Any representation of words, letters, drawings, graphics, or pictures.

Y

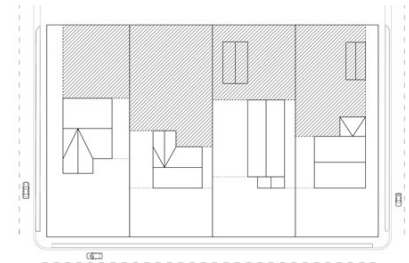
- (340) **Yard** The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided in this chapter.

- (341) **Yard, front** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building. (2) For a corner lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and that area that extends between the rear lot line to the front lot line from the side lot line to the side of the building. (3) For a double frontage lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and also that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the principal building.



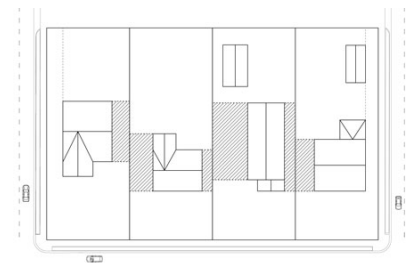
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- (342) **Yard, rear** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the principal building. (2) For a corner lot, that area that extends between the front yard abutting the street right-of-way and the opposing side lot line from the rear lot line to the rear of the principal building.



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- (343) **Yard, side** A yard as described for each of the following types of lots. (1) For an interior lot, the area that extends between the front yard and rear yard from the side lot line to the side of the principal building. (2) For a corner lot, that area that extends between the front yard and the rear yard from the side lot line to the side of the principal building. (3) For a double frontage lot, that area that extends between the front yard from the side lot line to the side of the principal building.



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Z

- (344) **Zone of saturation** The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- (345) **Zoning administrator** The individual so designated pursuant to this chapter. (In contrast see building inspector)
- (346) **Zoning Board of Appeals (ZBA)** A board created by the Common Council to render decisions relating to variances and administrative appeals and other matters enumerated in this chapter and in state law.
- (347) **Zoning district** An area on the zoning map within which the zoning code is uniformly applied to all properties. Zoning districts can be classified as base zoning districts or overlay zoning districts.
- (348) **Zoning district, base** A type of zoning district that establishes uniform regulations for the use and development of land.
- (349) **Zoning district, overlay** A type of zoning district that is superimposed over one or more base districts, or parts of districts, and that modifies the requirements of the base district or imposes additional requirements, or both.
- (350) **Zoning map amendment** An amendment to the zoning map adopted as part of this chapter.

- (351) **Zoning permit** A written permit issued by the zoning administrator for a specified parcel of land that certifies that a proposed use is consistent with the requirements of the zoning district in which it is to be located.

Appendix F Mapping Requirements

The following information should be provided for each type of application to the extent applicable to the project.

				Project Maps		
Type of Information	Site plan	General development plan [1]	Precise implementation plan [1]	Conditional use	Zoning map amendment	Special exception and variance
Background Project Information						
Project name	X	X	X	X	X	X
Applicant name	X	X	X	X	X	X
Preparation date	X	X	X	X	X	X
Name of preparer	-	X	X	-	-	-
Survey Information						
North arrow and graphic scale	X	X	X	X	X	X
Address of subject property or legal description	X	X	X	X	X	X
Property boundaries	X	X	X	X	X	X
Acreage of subject property	X	X	X	X	X	X
Project Development Information						
Land use summary table by density/intensity and acreage	-	X	X	-	-	-
Easements/rights-of-ways (location, width, purpose, ownership)	X	X	X	X	-	X
Common areas/conservancy areas (location, purpose, ownership)	X	X	X	X	-	-
Land to be dedicated to the public (boundaries, area, purpose)	-	X	X	-	-	-
Setting						
Property boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Land uses within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Zoning district boundaries within __ feet of the subject property	50 ft.	150 ft.	-	150 ft.	150 ft.	50 ft.
Municipal boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Site Features (existing and proposed)						
Ground contours when slopes exceed __ percent	8%	8%	8%	8%	-	8% [2]
Wetlands	X	X	X	X	-	X
Woodlands	X	X	X	X	-	X
Wildlife habitat, including critical wildlife habitat	X	X	X	X	-	X
Environmentally sensitive features	X	X	X	X	-	X
Water resources (rivers, ponds, etc.) and ordinary high-water mark for navigable waters	X	X	X	X	-	X
Floodplain boundaries and elevations of the same	X	X	X	X	-	X
Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines	X	X	X	X	-	X

Type of Information	Site plan	General development plan [1]	Precise implementation plan [1]	Project Maps		
				Conditional use	Zoning map amendment	Special exception and variance
Buildings and Outdoor Storage/Activity Areas						
Existing and proposed	X	X	X	X	X	X
Existing within __ feet of subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Required Setbacks						
Yard setbacks (front, side, rear and shore)	X	-	X	X	-	X
On-site septic systems	X	-	-	X	-	X
On-site wells and off-site wells within 10 feet of the perimeter of the subject property	X	-	-	X	-	X
Landscaping Features (existing and proposed)						
Fences, buffers, and berms	X	-	-	X	-	-
Pervious and impervious surfaces by type	X	-	-	-	-	-
Site amenities (benches, fountains, etc.)	X	-	-	-	-	-
Existing trees and other prominent vegetation	X	-	-	-	-	-
Trees / shrubs to be planted, including a plant list and specs.	X	-	-	-	-	-
Trees / shrubs to be retained	X	-	-	-	-	-
Outdoor Lighting (existing and proposed)						
Location	X	-	X	-	-	-
Fixture specifications	X	-	X	-	-	-
Stormwater Facilities (existing and proposed)						
Location	X	-	X	-	-	-
Specifications for each facility	X	-	X	-	-	-
Utilities (existing and proposed)						
Location	X	X	X	-	-	X
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X	X	X	-	-	X
Size/capacity, if applicable	-	X	X	-	-	-
Transportation Facilities (existing and proposed)						
Streets	X	X	X	X	-	X
Driveways and road access onto public and private roads	X	X	X	X	-	X
Sidewalks and trails	X	-	X	X	-	X
Fire lanes (i.e., fire apparatus access)	X	-	-	-	-	X
Clear visibility triangles (location and dimensions)	X	-	X	-	-	X
On-Site Parking (existing and proposed)						
Access aisles and parking spaces by size	X	-	X	-	-	-
Location of accessible parking spaces	X	-	X	-	-	-
Location and specifications/dimensions for accessibility ramps	X	-	X	-	-	-
Type and location of on-site parking signs and traffic control signs	X	-	X	-	-	-
Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)	X	-	X	-	-	-

Type of Information	Site plan	General development plan [1]	Precise implementation plan [1]	Project Maps		
				Conditional use	Zoning map amendment	Special exception and variance
Snow storage areas	X	-	X	-	-	-
Areas designated for queuing of vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.	X	-	X	-	-	-
Pedestrian walks between the parking lot and the building	X	-	X	-	-	-
Designated areas of a parking area for pedestrian walks	X	-	X	-	-	-
Loading lanes and loading docks	X	-	X	-	-	-
Stormwater drainage	X	-	X	-	-	-
Distance between parking areas and adjoining properties if less than 20 feet	X	-	X	-	-	-
Areas designated for bicycle parking	X	-	X	-	-	-
Signs (existing and proposed)						
Location	X	optional	optional	-	-	-
Specifications for each sign including type, height, dimensions, lighting, and other factors considered during the review process	X	optional	optional	-	-	-

Notes:

1. A general development plan and precise implementation plan are similar, except a precise implementation plan is more refined and detailed.
2. For variance applications, the slope of the property must be depicted when the petitioner is claiming that the slope of a property is a hardship or a unique property limitation.

Appendix G
History of Amendment
(Since January 1, 2011)

Ordinance Number	Date Adopted	Effective Date	General Description	Type	
				Text	Map
MC #1157	03-15-2011	03-15-2011	PLAN-11-0067; insert a Traditional Neighborhood Development section into the City Zoning Ordinance	X	
MC #1119	08-16-2011	08-16-2011	PLAN-11-0474; include a requirement that lighted signs in residential districts to be turned off from 10 pm to 6 am	X	
--	04-17-2012	04-17-2012	PLAN-12-0124; rezone from R-2 to B-2		X
--	08-21-2012	08-21-2012	PLAN-12-0465; amend Planned Development for select lots within the Rosewood Estates Subdivision	X	
--	08-21-2012	08-21-2012	PLAN-12-0520; rezone from Ag to M-2		X
--	10-16-2012	10-16-2012	PLAN-12-0646; rezone from R-2 to R-3		X
--	10-16-2012	10-16-2012	PLAN-12-0647; establish a Planned Development district	X	
--	12-18-2012	12-18-2012	PLAN-12-0898; rezone from R-3 to B-2		X
--	03-19-2013	03-19-2013	PLAN-12-0903; rezone from R-2 to R-3		X
MC #1155	01-15-2013	01-15-2013	PLAN-12-0969; remove sign regulations from the zoning code	X	
--	01-15-2013	01-15-2013	PLAN-12-0981; amendment of a Planned Development district	X	
--	02-19-2013	02-19-2013	PLAN-13-0021; rezone from R-2 to B-2		X
--	03-19-2013	03-19-2013	PLAN-13-0062; rezone from M-1 to B-2		X
--	07-16-2013	07-16-2013	PLAN-13-0362; establish a Planned Development district	X	
--	09-17-2013	09-17-2013	PLAN-13-0534; rezone from R-2 to R-3		X
--	01-21-2014	01-21-2014	PLAN-13-0802; rezone newly annexed land		X
--	07-15-2014	07-15-2014	PLAN-14-0356; rezone from R-2 to B-3		X
--	09-16-2014	09-16-2014	PLAN-14-0464; rezone from R-2 to B-5		X
--	08-19-2014	08-19-2014	PLAN-14-0476; amend Planned Development district	X	
--	09-16-2014	09-16-2014	PLAN-14-0601; rezone from R-2 to B-2		X
--	12-16-2014	12-16-2014	PLAN-14-2569; rezone from R-2 to B-5		X
--	03-17-2015	03-17-2015	PLAN-15-0097; rezone from B-5 to R-2		X
--	04-21-2015	04-21-2015	PLAN-15-0160; rezone from R-2 to B-3		X
MC #1200	05-19-2015	05-19-2015	PLAN-15-0508; amendment related to cell towers	X	
--	10-20-2015	10-20-2015	PLAN-15-1545; rezone from R-2 to B-3		X
--	06-21- 2016	06-21-2016	PLAN-16-0206; rezone from R-2 to B-2 and M-1 to B-2		X
MC #1212	06-21- 2016	07-19-2016	PLAN-16-1037; revisions related to portable storage containers	X	
--	11-15- 2016	11-15-2016	PLAN-16-0900; rezone from B-4 to B-2		X
--	06-20-2017	06-20-2017	PLAN-17-0191; rezone from A-1 to M-1		X
Resolution #32 (2017)	11-21-2017	11-21-2017	Planned Unit Development to allow the redevelopment of the Rapids Mall for YMCA/Boys & Girls Club.	X	
MC #1233	11-21-2017	11-21-2017	Revisions related to solar power systems	X	
Resolution #1 (2018)	1-16-2018		Planned Unit Development Amendment for Aspirus Riverview Hospital to allow an ambulance garage		X
MC #1243	07-17-2018	08-01-2018	Repeal and recreate Chapter 11	X	
	10-16-2018	10-16-2018	PLAN-18-0810; rezone from R-2 to B-2		X
	12-18-2018	12-18-2018	Planned Development District for the Centralia area to allow senior housing, commercial, and institutional mixed use development with accessory parking areas.		X
	12-18-2018	12-18-2018	PLAN-18-1008; rezone from R-2 to B-2		X

Ordinance Number	Date Adopted	Effective Date	General Description	Type	
				Text	Map
	02-19-2019	02-19-2019	PLAN-18-1086; rezone from R-2 to b-2		X
	03-19-2019	03-19-2019	PLAN-19-0057; rezone from R-3 to R-4		X
MC #1251	07-16-2019	08-01-2019	PLAN-19-0447; zoning code cleanup, typos, parking lots, driveways, vision triangle, use definitions, and decks	X	
--			PLAN-20-0155; define and incorporate mobile vending use	X	
--			PLAN-20-0484; rezone from R-2 to B-3		X
MC #1270	10-20-2020	10-28-2020	PLAN-20-0817; identify and define light industrial use	X	
MC #1283	02-16-2021	02-20-2021	PLAN-21-0039; define truck stop and place within zoning districts	X	
MC #1284	02-16-2021	02-20-2021	PLAN-21-0040; define food pantry and place within zoning districts	X	
MC #1288	04-13-2021	04-19-2021	PLAN-21-0169; amend vision triangle requirements for driveways	X	
MC #1289	05-18-2021	05-25-2021	PLAN-21-0336; remove joint public hearing requirement	X	
MC #1291	08-17-2021	08-21-2021	PLAN-21-0607; rezone from R-2 to B-5		X
MC #1294	10-19-2021	10-26-2021	PLAN-21-0816; rezone from B-2 and R-2 to I-1		X
MC #1301	1-18-2022	1-28-2022	PLAN-21-1259; rezone from R-2 and R-3 to B-3		X
MC #1314	4-14-2022	4-21-2022	PLAN-22-0063; place towing within zoning districts	X	
MC #1316	5/17/2022	6/1/2022	PLAN-22-000259; permit permanent onsite manager for overnight lodging	X	
MC #1318	6/21/2022	6/30/2022	22-000398; amend garage requirements for two-family dwellings, townhomes, and multi-family 2-units	X	
MC #1319	6/21/2022	7/7/2022	22-000423; rezone from I-1 to PDD		X
MC #1320	6/21/2022	7/7/2022	22-000572; amend maximum building coverage standards for principal and accessory structures on lots in residential districts	X	
MC #1321	7/19/2022	8/24/2022	22-000648; allow temporary residential shelters as conditional uses within the R-3, B-1, and B-2 districts	X	
MC #1325	9/20/2022	9/26/2022	22-000929; reclassify and define Tourist Rooming Houses	X	
MC #1327	11/15/2022	11/20/2022	22-001013; amend architectural standards for trash enclosures in commercial districts	X	
MC #1331	11/15/2022	11/20/2022	22-001179; allow residential accessory structures in the R-8 district and provide development standards	X	
MC #1333	1/17/2023	1/23/2023	22-001275; amend off-street parking surfacing requirements for specific parkland and natural resources uses	X	
MC #1335	2/21/2023	2/26/2023	23-000022; annexation of Saratoga Street parcels and temporary B-5 zoning		X
MC #1340	4/18/2023	4/23/2023	23-000128; rezone from R-2 to I-1		X
MC #1341	5/16/2023	5/22/2023	23-000125; allow single-family dwellings in the R-3 District	X	
MC #1342	6/20/2023	6/26/2023	23-000234; amend commercial vehicle standards in residential districts	X	
MC #1345	6/20/2023	6/26/2023	23-000359; rezone from B-3 to R-2		X
MC #1347	8/15/2023	8/20/2023	23-000463; amend Article-15 Fencing to clarify various items including height, corner lots, fence materials, and barbed wire	X	
MC #1350	8/15/2023	8/20/2023	23-000621; amend driveway standards for residential properties	X	
MC #1357	10/17/2023	10/23/2023	23-000784; PDD-01 Riverview amendment to shift district boundary		X
MC #1358	10/17/2023	10/23/2023	23-000907; amend residential floor area minimums	X	
MC #1361	1/16/2024	1/21/2024	23-001206; amend personal storage facility land use description and designation	X	
MC #1362	1/16/2024	1/21/2024	23-001207; amend mobile vending land use description	X	