Article 1
GENERAL PROVISIONS

Sections:

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19.1 Name of chapter
This chapter shall be known as the "Wisconsin Dells Zoning Code" and may be referred to herein as "this code" or as "this chapter".

19.2 Authority
The regulations contained in this chapter are specifically authorized by state statute or are adopted consistent with the city's police powers as authorized in state law.

19.3 Jurisdiction
The provisions of this code shall apply to all areas within the city's municipal boundary, the extent of which may change through annexation or detachment.

19.4 Legislative findings
(1) **General findings**. The common council makes the following findings:
- (a) Pursuant to sec. 66.1001, Wis. Stats., the common council adopted a comprehensive plan on March 25, 2004.
- (b) This chapter is consistent with and furthers the intent of the comprehensive plan.
- (c) The legislative, administrative, and enforcement bodies may not permit or otherwise allow any development to occur that is not in compliance with this chapter.
- (d) There are no migrant labor camps as defined in state law within the city as of May 12, 1992 (See sec. 62.23 (7) (hm) Wis. Stats.).

(2) **Other findings**. Other findings are included in the various articles, divisions, and sections as appropriate.

19.5 Purpose
(1) **General purpose**. This chapter promotes the public health, safety, and welfare and is intended to:
- (a) implement the goals, objectives, and policies of the city's comprehensive plan to the greatest extent practicable;
- (b) establish a comprehensive compendium of regulations that controls the use or development of land within the city;
- (c) establish clear, consistent standards, regulations, and procedures for the review of all proposed development within the city;
- (d) safeguard the public health, safety, and general welfare by establishing minimum standards for the use or development of land within the city.

(2) **Specific purposes**. Consistent with sec. 62.23 (7) (c), Wis. Stats., this chapter is also intended to:
- (a) lessen congestion in the streets;
- (b) secure safety from fire, panic, and other dangers;
- (c) promote health and general welfare;
- (d) provide adequate light and air, including access to sunlight for solar collectors and wind for wind energy systems;
- (e) encourage the protection of groundwater resources;
- (f) prevent the overcrowding of land;
- (g) avoid the undue concentration of population;
- (h) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (i) preserve burial sites as defined in 157.70 (1) (b), Wis. Stats.;
- (j) conserve the value of buildings;
- (k) encourage the most appropriate use of land.

(3) **Other purposes**. Other purposes are included in the various articles, divisions, and sections as appropriate.

19.6 Compliance

(1) **Generally**. Except as specifically provided, the provisions of this chapter shall apply to all development within the city, and no development shall be undertaken without the prior authorizations required by this chapter.

(2) **Previously granted permits, an exception**. When a permit has been issued in accordance with law prior to the effective date of this chapter, or amendment thereto, it shall be valid for one year from date of issuance, even if it authorizes an action that is not allowed under this chapter or amendment. If the action, as authorized by the permit, does not commence within that time period and continue in good faith to completion, said permit shall lapse and be null and void.

(3) **Establishment of a use, structure, building not requiring authorization, an exception**. If prior to the adoption of this chapter, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this chapter, is being developed contrary to this chapter, or is otherwise prohibited under this code.

19.7 Liability

The city, including its agencies, employees, or assigns, shall not be liable for any flood damage, sanitation problems, structural damage, or other damages that may occur as a result of reliance upon and conformance with this code.

19.8 Relationship of this code to other regulations

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

19.9 No defense to nuisance action

Compliance with the standards and requirements contained in this code shall not constitute an absolute defense to an action to abate a nuisance.

19.10 Applicability to public entities

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

19.11 to 19.99 reserved

Article 2
INTERPRETATION, CONSTRUCTION, AND DEFINITIONS

Sections:

19.100	General rules of construction	19.106	Interpretation of boundaries and designations for overlay districts
19.101	Responsibility for interpretation	19.107	General rules of interpretation
19.102	Delegation of authority	19.108	Measurements
19.103	Internal conflicts	19.109	Computation of time
19.104	Use of graphics, illustrations, headings, references, statutory citations, and editor's notes	19.110	General definitions
		19.111	Land use definitions
19.105	Interpretation of boundaries and designations for base land use districts		

19.100 General rules of construction

(1) **Generally**. In the interpretation and application of this code, all provisions shall be construed so the true intent and meaning of the code is carried out.

(2) **Minimum requirements**. The interpretation and application of any provision of this code 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 powers granted by state statute.

(3) **Abrogation and greater restriction**. This code is not intended to repeal, abrogate, annul, impair, or interfere with any easements, covenants, deed restrictions, or other private agreement. However, when this code imposes a greater restriction, the provisions of this code shall apply.

19.101 Responsibility for interpretation

In the event a question arises concerning any provision or the application of any provision of this code, interpretations shall be issued consistent with article 4.

19.102 Delegation of authority

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

19.103 Internal conflicts

More specific provisions of this code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

19.104 Use of graphics, illustrations, headings, references, statutory citations, and editor's notes

(1) **Purpose**. Graphics, illustrations, headings, references, statutory citations, and editor's notes are included to improve the readability of this code 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 and statutory citations are included when the section is related to a state or local law or another section in this code. These are included to help the reader understand the relationship between various provisions. Editor's notes are included to supplement and/or further clarify a sentence or provision.

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

(3) **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 editor's note.

19.105 Interpretation of boundaries and designations for base land use districts

(1) **Boundary line interpretations**. Interpretations regarding boundaries of base land use districts shall be made in accordance with the following rules:

(a) **Centerlines**. Boundaries shown as following, or approximately following, any easement, railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.
(b) **Property lines**. Boundaries shown as following, or approximately following, any platted lot line or other property line shall be construed as following such line.
(c) **Political boundaries**. Boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
(d) **Section lines**. Boundaries shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.
(e) **Natural boundaries**. Boundaries shown as following, or approximately following, any natural feature such as a stream, river, canal, other bodies of water, or topographical features such as watershed boundaries shall be construed as following such natural feature as verified by field inspection when necessary.

(2) **Division of lot**. With the exception of the conservancy district, where a lot or parcel is divided into 2 or more districts, the following interpretation of the boundary and designation shall apply:
(a) Lots of 2 acres or less. For lots of 2 acres or less, the designation of the largest area of the lot shall apply to the entire lot.
(b) Lots larger than 2 acres. For lots larger than 2 acres, the lot shall be divided as depicted by the district boundary.

(3) **Street abandonment**. Where a public road, street, or alley is officially vacated or abandoned, the regulations 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.

19.106 Interpretation of boundaries and designations for overlay districts

The location of the overlay district boundaries shall be as shown on the zoning map, or other supplemental map, except as may provided in the appropriate section of the municipal code.

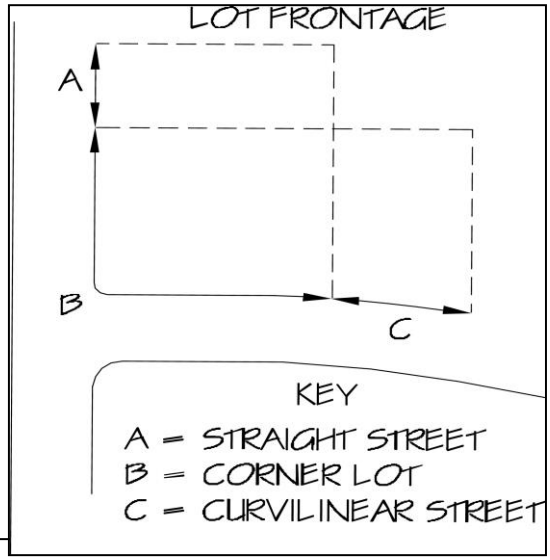
19.107 General rules of interpretation

In the construction of this code, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this code:
(a) **Gender**. Words of the masculine gender include the feminine and neuter.
(b) **Singular and plural words**. Words in the singular include the plural and words in the plural include the singular.
(c) **Tense**. Words in the present tense include the past and future tense, and the future tense includes the present tense.
(d) **Shall or will**. The words “shall” or “will” imply a mandatory condition.
(e) **May or should**. The words “may” or “should” imply a permissive condition.
(f) **Includes or including**. The words “includes” or “including” shall not limit a term to the specific example(s), but are intended to extend their meaning to all other instances or circumstances of like kind or character.
(g) **Such as**. The phrase “such as” shall not limit a provision to the specific example(s), but is intended to extend its meaning to all other instances or circumstances of like kind or character.

19.108 Measurements

In this code, standards have been adopted to control the size, height, and placement of various structures and buildings. The following rules shall be used in measuring these to ensure compliance:
(a) **Height of telecommunication tower**. The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of crank up or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.
(b) **Lot area**. Lot area is measured on the horizontal plane.
(c) **Lot depth**. Lot depth is measured at a right angle to the front lot line.

Exhibit 2-1. Lot frontage measurements



(d) **Lot width**. Lot width is measured between side lot lines along the front yard setback line.
(e) **Lot frontage**. On straight or curvilinear streets, lot frontage is measured along the street right-of-way between the side lot lines (Exhibit 2-1).
(f) **Building height**. The height of a building shall be measured from grade plane to the average height of the highest roof surface in accordance with the current adopted edition of the International Building Code.
(g) **Floor area**. The floor area of a building shall be measured from exterior face to exterior face, excluding porches, stoops, steps, and the like.
(h) **Distance between specified land uses**. Specified minimum distances between land uses shall be measured in a straight line from the structure housing the use to the structure housing the other use.
(i) **Average slope**. The average slope shall be determined using the following formula:

$$S = \frac{I * L * 0.0023}{A}$$

Where:
S = Average slope of lot in percent
I = Contour interval (20 feet or less)
L = Sum of length of all contours on lot in feet
A = Area of the lot in acres

19.109 Computation of time
When a time period is specified in this code, the first day shall be the first day after the event that triggered the time clock to start. For example, if an action is to be taken within 35 days following a meeting, the time clock starts the day after the date of the meeting. If the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.

19.110 General definitions
(1) **Words and terms not defined**. Unless specifically defined in this section, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage and to give this code it's most reasonable application.
(2) **Words and terms defined**. For the purpose of this code, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

Accessible entrance An entrance to a facility meeting the minimum accessibility requirements of the Americans with Disability Act.

Accessible route A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts. (Source: ADA Standards for Accessible Design 28 CFR Part 36, revised as of July 1, 1994)

Accessory building/structure Any building or structure that is clearly incidental and subordinate to and customarily found with a principal use.

Accessory land use See land use, accessory

Adult arcade Any place where the public is permitted or to which it is invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult book store/adult video store A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions that are characterized by an

emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas; (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult cabaret A nightclub, bar, restaurant, or similar commercial establishment that regularly features (1) persons who appear semi-nude; (2) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) film, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult motion picture theater A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Aggrieved person A person that has or likely will suffer an adverse effect resulting from a decision made pursuant to this code.

Agricultural zoning district A zoning district established by this code that has an "A" followed by a number as its abbreviation (e.g., A-1).

Air contaminant Any fume, smoke, particulate matter, vapor, gas, or any combination. The term does not include water vapor or steam condensation.

Alley A vehicular accessway providing primary vehicular access to the back of the lots that front on a street.

Amusement Park An amusement park is an outdoor facility or venue that features various attractions including amusement rides and games as well as other events and activities for entertainment purposes.

Antenna A device used to receive and transmit electromagnetic waves. The term does not include (1) mobile services providing public information coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business band mobile radios, walkie talkies, cordless telephones, garage door openers, and similar devices.

Appeal A process initiated by an aggrieved party to review (1) a decision made pursuant to this code; or (2) an alleged failure to act as required by this code.

Applicant A person that submits an application as required by this code.

Aquifer A saturated, permeable geologic formation that contains and will yield significant quantities of water.

B

Berm A mound or embankment of earth, generally man-made.

Block A group of lots, tracts, or parcels within well-defined and fixed boundaries (e.g., streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines or subdivision boundary lines).

Board of adjustment The board of adjustment created by the common council pursuant to state law.

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.

Body piercer An individual who performs body piercing on another at that individual's request.

Building A structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of people, animals, chattels, or property of any kind.

Building area The total horizontal projected area of a building.

Building permit A permit issued prior to the construction of or addition to a structure or the installation of a mobile home.

Burden of proof The obligation of a party to establish a fact by evidence.

C

Camping Unit A structure, including a tent, camping cabin, yurt, recreational vehicle, mobile home, or manufactured home, bus, van, or pickup truck. [from State Admin ATCP 79.03(6) – Tent previously defined in Campground Ordinance as part of RV definition]

CFR An acronym for Code of Federal Regulations.

City attorney The position of city attorney for the city of Wisconsin Dells.

City clerk The position of city clerk for the city of Wisconsin Dells.

City engineer The position of city engineer for the city of Wisconsin Dells.

Common council The governing body of the city of Wisconsin Dells.

Commercial zoning district A zoning district established by this code that has a "C" followed by a number as its abbreviation (e.g., C-1).

Comprehensive plan The document the common council has adopted consistent with sec. 66.1001, Wis. Stats.

Conditional use See land use, conditional

Conditional Use Permit A permit authorizing establishment of a conditional use consistent with the provisions of this code.

Condominium A form of ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

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.

Conservancy zoning district A zoning district established by this code that has a "D" followed by a number as its abbreviation (e.g., D-1).

Covenant A legally binding agreement contained in a deed, declaration, or other legal document or on the face of a plat that restricts or regulates the use of specified real property.

Curb The barrier used to separate roads and other vehicle use areas from the surrounding environs.

D

Date of completeness The date an application is deemed complete by the city.

Deck An above-ground, unroofed platform extending from a building and intended for outdoor living.

Development standards Regulations that govern the initial development of a parcel of land, including the construction of structures and infrastructure.

District See zoning district.

Dwelling unit A single building or portion thereof providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

Establish To construct, place, insert, or excavate.

F

Family An individual living alone in a dwelling unit, or 2 or more individuals 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.

Finding A written conclusion or determination considered in reaching a decision.

Five-year time of travel The recharge area upgradient of the cone of depression, the outer boundary from which it is determined or estimated that groundwater will take five years to reach a pumping municipal well.

Floor area The total horizontal area contained within the outside perimeter of a building.

Fugitive dust The solid airborne particulate matter resulting from any activity conducted on a parcel zoned, or used, for industrial purposes.

H

Hawking The act of calling out or otherwise attempting to attract attention to a business enterprise. To make or cause to be made for the purpose of advertising or announcing his vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services or any thing whatsoever, or with the carrying on of any trade, occupation, vocation or profit making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or device.

Hazard Any condition, whether man-made or natural, that presents a tangible danger to the public health, safety, and general welfare.

Hazardous substance Any material regulated by the Emergency Planning and Community Right-to-Know Act of 1986 42 USC 1101-11050, as may be amended.

Hazardous waste A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Height A line of measurement between two given points contained in a plane that is perpendicular to ground level.

I

Impervious surface The portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil and surfaces such as buildings, sidewalks, parking lots, driveways, and similar features.

Industrial zoning district A zoning district established by this code that has an “I” followed by a number as its abbreviation (e.g., I-1).

L

Land development Any activity that must comply with the provisions of this code.

Land use As the context indicates (1) the development that has occurred on the land; (2) development that is proposed for the land; or (3) the use permitted for the land under this code.

Land use, accessory Any land use that is clearly incidental and subordinate to and customarily found with a principal land use. The term does not include outdoor furnaces.

Land use, conditional A land use that would not be appropriate generally or without restriction throughout a specified area but that, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, or general welfare.

Land use, permitted by right A land use that is allowed throughout a specified area. Land uses permitted by right may be reviewed through a site review process and shall otherwise be reviewed to ensure that all provisions of local, state, and federal regulations are met.

Land use, principal The dominant land use of a parcel of land.

Land use, temporary A land use which is present on a property for a limited and specified period of time.

Loading area An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.

Lot A parcel of ground with a definable location based on a recorded survey or similar instrument.

Lot, corner A lot situated at the junction of and fronting on 2 or more roadways. A lot abutting on a curved street shall be 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 less than 135 degrees.

Lot, flag A lot with access provided by a corridor from a street to the bulk of the lot.

Lot, interior A lot that abuts only one road.

Lot, through A lot having a frontage on 2 more or less parallel streets.

Lot, Z A type of interior lot that is generally situated on an angle to the street.

Lot area The area of the horizontal plane bound by the vertical planes through front, rear, and side lot lines.

Lot line A line dividing one lot from another lot or from a street or alley.

> Lot line, front A lot line described for each of the following types of lots (1) interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; (2) through lot, the lot line abutting the street providing the primary access to the lot; (3) flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
>
> 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.
>
> Lot line, side A lot line that is not a front or rear lot line.

M

Manufactured home A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD). Characteristically, this type of housing is built in a factory on a permanent chassis.

Mitigate To take an action designed to offset or rectify a negative effect.

Mixed-use building A building that contains 2 or more of the following uses: residential, retail, office, employment, or civic.

Mixed-use zoning district A zoning district established by this code that has an "M" followed by a number as its abbreviation (e.g., M-1).

Mobile home A dwelling unit that is (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; and (4) designed to be used with or without a permanent foundation.

Mobile home pad The area of a mobile home space that has been prepared for the placement of a mobile home or a manufactured home.

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.

Municipal water supply The municipal water supply of Wisconsin Dells.

N

Neighborhood plan A plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the comprehensive plan in more detail.

New construction A structure for which the start of construction, substantial improvement, or alteration commences on or after the effective date of this code.

Nonconforming building A building that at the time of construction conformed to existing rules and regulations, but is now inconsistent with this code.

Nonconforming lot A lot that at the time of creation conformed to existing rules and regulations, but is now inconsistent with this code.

Nonconforming structure A structure that at the time of construction or placement conformed to existing rules and regulations, but is now inconsistent with this code.

Nonconforming use A use of land that at the time of establishment conformed to existing rules and regulations, but is now inconsistent with this code.

O

Occupancy The purpose for which a building, or part thereof, is used or intended to be used.

Operating standards Regulations governing the ongoing operation of a land use, including related business practices.

Ordinary high-water mark 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.

Overlay district A geographic area that is placed over land use districts that adds additional requirements and/or modifies existing requirements of the underlying district.

P

Parking lot An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

Permanent foundation A continuous foundation wall at the perimeter of a building.

Permit A written governmental authorization allowing the holder to take action not otherwise allowed.

Permitted use See land use, permitted by right.

Person Any 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.

Planned development district (PDD) A zoning district established by this code that has "PDD" followed by a number as its abbreviation (e.g., PDD-1).

Plan commission The plan commission created by the common council pursuant to state law.

Playhouse A small, freestanding accessory building, either at ground level or elevated, used exclusively by children for play.

Pollution or pollutants The presence in the outdoor atmosphere, ground, or water of any substance, contaminant, noise, or any other manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soils, or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

Porch A part of a building with a roof of its own that covers an entrance.

Principal building The primary building or structure on a lot housing a principal use.

Principal land use See land use, principal

Public notice The way in which a government uses or is required to use to formally notify people of a proposed governmental hearing or action.

R

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 (i.e., supplies groundwater to a well).

Recreational vehicle A vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle. This can include a Private RV, Travel Trailers, Pop-up Trailers, Pickup Coaches, Motor Homes, and/or Camping Trailers.

Recreational vehicle park A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

Recreational vehicle space A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle for the exclusive use of the occupants.

Regulated substances A chemical or chemical mixture that is a health hazard. Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include (1) chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, Health Hazard Definitions (Mandatory); (2) mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard; (3) mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises 1.0

percent or greater of the composition on a weight per unit weight basis; (4) mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is 0.1 percent or greater of the composition on a weight per unit weight basis; (5) ingredients of mixtures prepared within the groundwater protection overlay district in cases where such ingredients are health hazards but comprise more than 0.1 percent of the mixture on a weight per unit weight basis if carcinogenic, or more than one (1.0) percent of the mixture on a weight per unit weight basis if noncarcinogenic; and (6) petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).

Residential Dwelling is any building or structure with facilities for living, cooking, sanitary and sleeping that is used or intended to be used by the owner as the owner's primary or secondary home, residence or sleeping place by one person or by two (2) or more persons maintaining a common household to the exclusion of others.

Residential zoning district A zoning district established by this code that has an “R” followed by a number as its abbreviation (e.g., R-1).

Rezoning See zoning map amendment.

Right-of-way A strip of land dedicated or acquired for public use.

S

Screening A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.

Setback A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems).

Shared parking One or more parking spaces that partially or entirely meet the parking requirements of two or more uses.

Special exception See conditional use

Specified anatomical areas The male genital in the state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activity Any of the following (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

Start of construction The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stoop A raised platform in front of an entrance to a building with one or more steps.

State The state of Wisconsin.

Stream A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Stop work order An order issued by the city which requires that any activity found in violation of this code cease.

Stormwater Water from a rainfall event or melting snow that flows over the ground surface.

Street A public accessway within a public right-of-way or private easement.

Structure Any permanent or temporary object constructed, installed, or placed by man, the use of which requires a location on a parcel of land. It includes buildings of all types, bridges, storage tanks, fences, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs, and other objects.

T

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.

Tattooist An individual who tattoos another at that individual's request.

Telecommunication facility A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Theme Park A theme park is a type of amusement park that bases its structures and attractions around a central theme or has multiple areas with different themes.

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 municipal well. Verify

Tract of land A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by, or managed by the same person.

V

Variance A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

W

Waterbody A general term including rivers, streams, creeks, irrigation ditches, lakes, and ponds, both natural and man-made.

Well field A parcel of land containing one or more municipal wells.

Wetland Those ecological entities so defined by the current edition of the Federal Manual for Identifying and Delineating Wetlands.

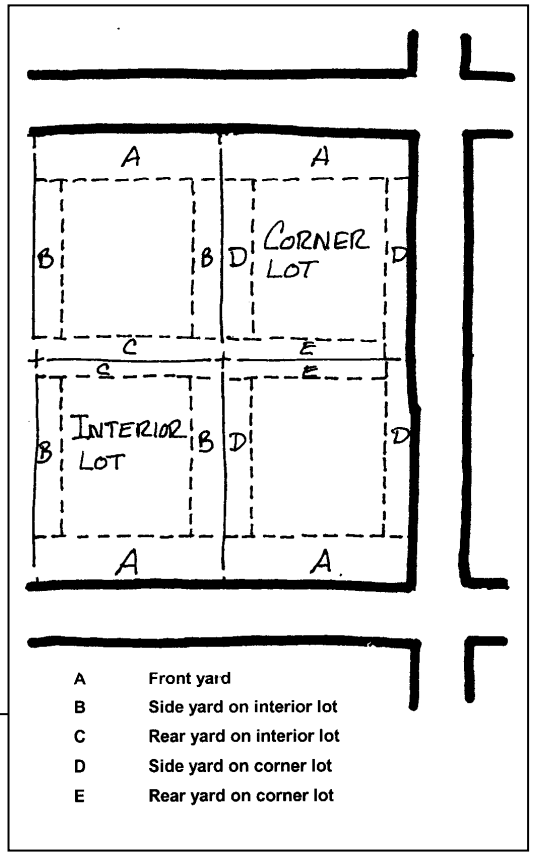
Written or in writing Any representation of words, letters, drawings, graphics, or pictures.

Y

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 herein.

Yard, front A yard that extends across the front of a lot between the side lot lines from the front lot line to front line of the building. A minimum front yard depth as may be specified for the district in which the lot is located. (Exhibit 2-1)

Exhibit 2-2 Front, rear and side yards



Yard, rear A yard as described for each of the following types of lots (1) 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 building. A minimum rear yard depth may be specified for the district in which the lot is located; and (2) corner lot, that area that extends between the side yard abutting the street right of way and the opposing side lot line from the rear lot line to the rear of the building. A minimum rear yard depth may be specified for the district in which the lot is located. (Exhibit 2-1)

Yard, side A yard as described for each of the following types of lots (1) interior lot, the area that extends between the front and rear yards from the side lot line to the side of the building. A minimum side yard depth as may be specified for the district in which the lot is located; and (2) corner lot, the area as described for an interior lot, except when a side yard abuts a street right of way, the side yard extends between the front yard and the rear lot line from the side lot line to the side of the building. A minimum side yard depth may be specified for the district in which the lot is located. (Exhibit 2-1)

Z

Zone of saturation The area of unconsolidated, fractured, or porous material that is saturated with water and constitutes groundwater.

Zoning district A geographic area as delineated on the zoning map that identifies a base zoning district.

Zoning permit A permit issued prior to the issuance of a building permit to ensure that the proposed use is consistent with the allowable uses within the district in which it is to be located.

19.111 Land use definitions

For the purpose of this code, certain land uses are defined below and shall have the meaning ascribed to them.

1.0 AGRICULTURAL USES

1.1 Agriculture, horticulture A place and/or building, or portion thereof, used or is intended for growing fruit, vegetables, flowers, agricultural crops, and other plants typically grown on farming operations in the region.

1.2 Agriculture, livestock A place and/or building, or portion thereof, used to raise livestock of all types. Examples of livestock include cattle, horses, mules, llamas, pigs, goats, ostriches, and sheep.

1.3 Greenhouse A place and/or building, or portion thereof, used or is intended for growing and selling fruit, vegetables, flowers, and other types of plants within an enclosed building, whether using sunlight or artificial lighting.

2.0 RESOURCE-BASED USES

2.1 Aggregate extraction operation A place used or is intended to remove any aggregate resource from the ground in any manner, or to stockpile or process any aggregate resource for sale as an industrial or commercial product by either retail, wholesale, contract purchase or other considerations, including uses by a governmental agency. The term does not include on-site leveling, grading, filling, or removing of earth materials in conjunction with a farm use, road construction, or for on-site construction projects.

2.2 Forest management The harvesting, thinning, and planting of trees including all associated 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 processing, permanent skidding yards, and the like.

2.3 Game farm A place and/or building, or portion thereof, used or is intended for purposes of obtaining, rearing in captivity, keeping, and selling game farm animals or parts thereof as authorized by state law.

2.4 Hunting and fishing preserve A place used or is intended primarily for hunting and/or fishing and may or may not be open to the public for a fee. The term includes shooting preserves and duck clubs. The term does not include lands that are leased for private individual use.

3.0 RESIDENTIAL USES

3.1 Mobile home park A place providing 2 or more spaces which may be rented or leased for the placement of a mobile home or manufactured home.

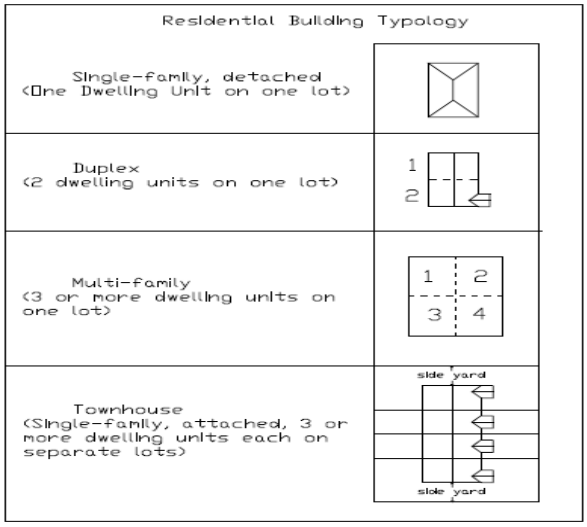
3.2 Residence, single-family detached A single building situated on one lot, contains one dwelling unit, and is not attached to any other dwelling unit by any means. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

3. 4 Residence, two-family A single building situated on one lot and that contains 2 dwelling units.

3.5 Residence, multi-family A single building situated on one lot and that contains 3 or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium.

3.6 Residence, townhouse A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

Exhibit 2-3 Residential Building Typology



4.0 SPECIAL CARE FACILITIES

4.1 Adult family home A place and/or building, or portion thereof, licensed by the state under sec. 50.033 (1m), Wis. Stats.

4.2 Community living arrangement Any one of the following facilities: (1) residential care centers for children and youth, as defined in sec. 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under sec. 48.60, Wis. Stats.; (2) group homes for children, as defined in sec. 48.02 (7), Wis. Stats.; and (3) community-based residential facilities, as defined in sec. 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in sec. 50.01, Wis. Stats., day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Community living arrangement, Type I A community living arrangement with 8 or fewer individuals.

Community living arrangement, Type II A community living arrangement with 9 to 15 individuals.

Community living arrangement, Type III A community living arrangement with more than 16 individuals.

4.3 Emergency shelter A place and/or building, or portion thereof, used or is intended to provide temporary housing and ancillary services to primarily indigent, needy, homeless, or transient individuals.

4.4 Foster home and treatment foster home A facility 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. (See sec. 48.62, Wis. Stats.)

4.5 Group day care center A facility licensed as a day care by the state where care is provided for 9 or more children.

4.6 Nursing home 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 complex. (See sec. 50.01 (3), Wis. Stats.)

4.7 Retirement home A place and/or building, or portion thereof, used or is intended to provide independent living quarters, either owned or rented, to individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

5.0 GROUP ACCOMMODATIONS

5.1 Campground A place and/or building, or portion thereof, used or is intended for public camping where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat and retail sales for the convenience of campground guests.

5.2 Group camp A place and/or building, or portion thereof, or tents or other structures maintained as living quarters that are used or is intended to be used by a group of individuals for recreational or educational purposes. The term includes youth camps and church camps.

5.3 Seasonal Workforce Housing facility A single unit or a multi-unit building in which 5 or more unrelated persons reside. By way of example, a Seasonal Workforce Housing may be a converted hotel or motel, a dormitory or a residence shared by 5 or more unrelated persons. The term does not include a bed and breakfast; a hotel, motel, or other facility regulated under chapter HRS 195, Wis. Admin. Code; an apartment building in which the individual units have complete kitchen and bathroom facilities; and residential facilities for senior citizens or disabled persons licensed by the State.

5.4 Managed condominium project A building or buildings having a type of land ownership whereby individual dwelling units are sold and owned separately (i.e., condominium) but that are rented and occupied on a periodic basis by persons other than the owner. The project may include commercial amenities and activities commonly associated with hotels and clubs.

5.5 Overnight lodging A building, or portion thereof, where sleeping accommodations are provided for pay to tourists or transients; and all related rooms, buildings, and areas. The term includes hotels and motels and tourist rooming houses. It does not include bed & breakfast establishments.

5.6 Resort 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 include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

5.7 Timeshare Project A building or buildings having a type of land ownership whereby individual dwelling units are used as time-share units pursuant to Chapter 707, Wis. Stats and any related sales activities, check-in and out services, member service centers, exchange services, and recreational or activities centers.

6.0 FOOD AND BEVERAGE SALES

6.1 Micro-brewery A place and/or building, or portion thereof, used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

6.2 Restaurant A place and/or building, or portion thereof, used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and 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.

6.3 Tavern A place and/or building, or portion thereof, used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages. The term includes bars and lounges.

7.0 GENERAL SALES

7.1 Agriculture sales A place and/or building, or portion thereof, used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. The term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like. The term does not include wholesale sales.

7.2 Auction sales A place and/or building, or portion thereof, used or is intended to be used for auctioning goods to the general public. The term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

7.3 Construction materials sales A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

7.4 Convenience sales A place and/or building, or portion thereof, used or is intended for personal services or retail sale of a limited product line of frequently needed personal items. The term includes convenience stores, small grocery stores, and the like.

7.5 General sales A place and/or building, or portion thereof, used or is intended for retail sale of a diverse product line. The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

7.6 Manufactured housing sales A place and/or building, or portion thereof, used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

7.7 Off-site liquor sales A place and/or building, or portion thereof, used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

7.8 Secondhand sales A place and/or building, or portion thereof, used or is intended for retail sale of goods and merchandise that are not being sold for the first time. The term includes secondhand stores, thrift stores, consignment shops, and the like. (Note: Antique stores are considered specialty sales.)

7.9 Shopping center means more than one sales or service use built on a single site that is planned, developed, owned, and managed as an operating unit.

7.10 Specialty sales A place and/or building, or portion thereof, used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, flower shops, hardware stores, clothing boutiques, pet stores, and the like.

8.0 GENERAL SERVICES

8.1 Administrative services A place and/or building, or portion thereof, used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms, and the like.

8.2 Body-piercing establishment A place and/or building, or portion thereof, where a body piercer performs body piercing.

8.3 Commercial kennel A place and/or building, or portion thereof, used or is intended for housing 2 or more dogs, cats or other domesticated animals over 6 months of age for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

8.4 Financial services A place and/or building, or portion thereof, used or is intended for providing financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

8.5 Funeral home A place and/or building, or portion thereof, used or intended for the care and preparation of human corpses for burial. The term includes mortuaries.

8.6 General services A place and/or building, or portion thereof, used or is intended for providing services not otherwise included in any other service type category. 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, diaper services, and the like.

8.7 Professional services A building, or portion thereof, used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis. The term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

8.8 Sexually-oriented establishment A place and/or building, or portion thereof, housing an adult arcade, adult bookstore/adult video store, adult cabaret, or adult motion picture theater.

8.9 Tattoo establishment A place and/or building, or portion thereof, where a tattooist applies a tattoo to another individual.

8.10 Veterinary clinic A place and/or building, or portion thereof, used or is intended for the medical care of animals. A veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

Veterinary clinic, large animal A veterinary clinic that specializes in the care and treatment of large animals and livestock.

Veterinary clinic, small animal A veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

8.11 Skilled Trade Services A building, or a portion thereof, used or is intended to house skilled trade services. The term includes plumbing, electrical HVAC services and the like. A Type 4 motor vehicle salvage dealer or recycler is included in this use. NOT included in this use is Type 1, Type 2, or Type 3 motor vehicle salvage dealer or recycler.

9.0 RENTAL AND GENERAL REPAIR

9.1 General repair A place and/or building, or portion thereof, used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like. The term does not include repair of vehicles or industrial equipment.

9.2 Large equipment rental A place and/or building, or portion thereof, used or is intended for renting large equipment that is normally stored out of doors. Typical items include trucks, vertical lifts, fork lifts, back hoes, other types of heavy equipment, and modular buildings.

9.3 Small equipment rental A place and/or building, or portion thereof, used or is intended for renting small equipment and supplies that typically are stored indoors. Typical rentals include hand tools, party equipment, and lawn and yard equipment.

10.0 VEHICLE TRADE AND SERVICE

10.1 Specialty vehicle sales and rental A place and/or building, or portion thereof, used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used specialty vehicles, including recreational vehicles and campers, personal water craft, and heavy trucks.

10.2 Vehicle fuel sales A place and/or building, or portion thereof, used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and the like.

10.3 Vehicle repair A place and/or building, or portion thereof, used or is intended for maintenance, service, and repair of vehicles. Typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

10.4 Vehicle sales and rental A place and/or building, or portion thereof, used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, mopeds, and all-terrain vehicles (ATVs).

10.5 Vehicle services A place and/or building, or portion thereof, used or is intended for servicing vehicles where they typically are not left overnight. Examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

11.0 GENERAL STORAGE

11.1 Agricultural commodity storage facility A place and/or building, or portion thereof, used or is intended to store bulk food stuffs prior to shipment and/or processing. The term includes grain elevators and such facilities.

11.2 Fuel tank farm A place and/or building, or portion thereof, used or is intended for commercial bulk storage of petroleum products or any other fuel.

11.3 Mini-storage facility A place and/or building, or portion thereof, divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles not for sale or trade.

11.4 Truck terminal A place and/or building, or portion thereof, used or is intended for storage of freight for routing or reshipment.

11.5 Warehouse A place and/or building, or portion thereof, used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. The term includes moving and storage facilities. The term does not include fuel tank farms.

12.0 RECREATION / SPORTS / ENTERTAINMENT

12.1 Amusement ride A device or animal that carries, transports, or supports passengers in unusual, entertaining, or thrilling modes of motion and any vehicle providing entertainment or transportation in conjunction with an amusement ride, including rider-powered and power-driven thrill rides, mild rides and ride-throughs, air pillows, giant slides, and animal rides. Vehicles include parking lot trams, old fire engines, stage coaches, and trains. The term does not include aircraft under the jurisdiction of the Federal Aviation Administration, railroad trains under the jurisdiction of the Federal Railroad Administration, or boats used on navigable waters. (Based on definition in Comm 34.01, Wis. Admin. Code) Stand-alone amusement rides are not permitted outside of outdoor entertainment/recreation areas or outdoor entertainment/recreation areas at overnight lodging premises.

12.2 Animal menagerie A place and/or buildings, or portions thereof, where one or more wild animals, as determined by state law, including birds, reptiles, and the like are kept in captivity for the evident purpose of exhibition or attracting trade. The term does not include the exhibition of any animal by an educational institution or in a zoological garden chartered as a nonprofit corporation by the state or animals exhibited by any traveling theatrical exhibition or circus.

12.3 Casino A place and/or building, or portion thereof, used or is intended for casino gambling as permitted by state law.

12.4 Indoor entertainment A place and/or building, or portion thereof, used or is intended for indoor entertainment of all types. The term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

12.5 Indoor recreation A place and/or building, or portion thereof, used or is intended for indoor recreation of all types. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, and the like.

12.6 Golf course/driving range A place, whether organized for profit or not, used or is intended for playing golf.

12.7 Miniature golf A place and/or building, or portion thereof, used or is intended for playing miniature golf.

12.8 Outdoor entertainment /recreation A place and/or structure or facility or portion thereof, used or is intended for outdoor, uses or events. The term includes, without limitation, race tracks, motocross courses, sports arenas, outdoor shooting ranges, outdoor paintball courses, outdoor waterparks, amusement parks and theme parks; and, lodging premises with outdoor entertainment/recreation features.

12.9 Park A place and/or building, or portion thereof, used or is intended for recreational activities for use by the general public or by a homeowners' association. The term includes developed and undeveloped areas and neighborhood recreation centers.

12.10 Recreational trail A linear path that may be dedicated to a single use or multiple uses. Examples include hiking trails, bike trails, x-country ski trails, and horse trails.

12.11 Sports/fitness A place and/or building, or portion thereof, used or is intended for indoor sports and fitness training of all types. The term includes athletic clubs, indoor racquetball courts, athletic training centers, gyms, and the like.

13.0 COMMUNITY SERVICES/USES

13.1 Administrative government center A place and/or building, or portion thereof, used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional facilities, and the like.

13.2 Animal shelter A place and/or building, or portion thereof, used or is intended to temporarily house stray pets.

13.3 Cemetery A place and/or building, or portion thereof, used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

13.4 Civic use facility A place and/or building, or portion thereof, used or is intended for large gatherings of people. The term includes zoos, arenas, stadiums, fairgrounds, and the like.

13.5 Community center A place and/or building, or portion thereof, used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

13.6 Community cultural facility A place and/or building, or portion thereof, used or is intended for studying, reading, personal education, or for viewing the visual arts. The term includes libraries, museums, art galleries, observatories, and the like. The term does not include performing arts.

13.7 Community garden An outdoor area used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use. The 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.

13.8 Public safety facility Any place and/or building, or portion thereof, whether public or non-public, used or is intended for housing public safety services. The term includes ambulance services, fire stations, police stations, and the like.

13.9 Worship facility A place and/or building, or portion thereof that has tax-exempt status and used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

14.0 HEALTH CARE

14.1 Health care office A place and/or building, or portion thereof, used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. The term includes dental clinics, doctor's offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

14.2 Health care center A place and/or building, or portion thereof, whether public or private, whether organized for profit or not, used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. 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, rehabilitation facilities, and the like.

15.0 EDUCATION

15.1 Commercial educational facility An educational facility operated by a private institution or a person used or is intended for preparing students for jobs in trades or professions. The term includes hair styling schools, real estate schools, and the like.

15.2 Educational facility (K-12) A place and/or building, or portion thereof, used or is intended for use as a preschool, elementary, junior high, or high school.

15.3 Educational facility (higher education) Any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools.

15.4 Instructional facility Any place and/or building, or portion thereof, used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

16.0 SOLID WASTE MANAGEMENT

16.1 Composting facility A place and/or building, or portion thereof, used or is intended for collecting and processing vegetation (but not food wastes) for composting. The term includes the storage and manipulation of materials prior to, during, and following composting.

16.2 Recycling center A place and/or building, or portion thereof, used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, paper, metal, and plastic. The term does not include a junk yard.

16.3 Solid waste transfer station A place and/or building, or portion thereof, used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

17.0 TELECOMMUNICATIONS *AND UTILITIES*

17.1 Concealed telecommunication facility An antenna that a casual observer would consider a part of the structure to which it is attached or made a part of.

17.2 Unconcealed telecommunication facility An antenna mounted on a tower or mounted on the ground.

17.3 Utility installation 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 generally has moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

18.0 TRANSPORTATION

18.1 Bus/rail transit terminal A place and/or building, or portion thereof, used or is intended for loading and unloading of passengers along with facilities for ticket sales and food service areas primarily intended for passengers.

18.2 Marina A place and/or building, or portion thereof, used or is intended for dispatching and docking boats.

18.3 Off-site parking An area used or intended to be used for parking motor vehicles from another parcel. It may be available to the public or reserved to accommodate parking for a specific purpose.

18.4 Parking structure A multilevel structure used or is intended for parking motor vehicles for a short duration. The term does not include underground parking.

18.5 Railroad line A linear strip of land with train tracks and auxiliary facilities for track operation. The term does not include transit or freight stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards, or the like.

18.6 Street A surfaced travelway for motor vehicles located within an easement or right-of-way.

18.7 Taxi cab dispatch terminal A place and/or building, or portion thereof, used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

19.0 INDUSTRIAL

19.1 Artisan shop A place and/or building, or portion thereof, used or is intended for creating works of art and/or production of handmade craft items on a small-scale. Examples of such items include paintings, sculptures, pottery, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

19.2 Contractor yard A place and/or building, or portion thereof, used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

19.3 Industrial, heavy A place and/or building, or portion thereof, used or is intended for processing raw materials or the production of refined materials from raw materials. The term includes power plants.

19.4 Industrial, light A place and/or building, or portion thereof, used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. The term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

20.0 ACCESSORY *USES*

20.1 Adult family home A private residence licensed by the state under sec. 50.032 (1m), Wis. Stats.

20.2 Amateur radio station Wireless communication technology used by licensed private individuals or nonprofit entities for non-commercial purposes.

20.3 Automated teller machine An automated device for conducting financial transactions.

Automated teller machine, exterior An automated teller machine accessed from outside of an enclosed building.

Automated teller machine, interior An automated teller machine accessed from inside of an enclosed building.

20.4 Bed and breakfast A single-family residence that offers overnight accommodations and a meal for a daily charge and that also serves as a primary residence of the operator or owner.

20.5 Boat dock A structure extending from the shore into a waterbody with water on both sides that provides a berth for watercraft or is used for loading or unloading cargo or passengers onto or from watercraft.

20.6 Drive-up service window An opening in a building through which patrons are served while remaining in a motor vehicle.

20.625 Exterior Activity Area An exterior area, public or private, adjacent to an interior business or activity, upon which incidental and subordinate activities or entertainments associated with and complimentary to the interior use are conducted.

20.7 Family day care home A private residence licensed as a day care center by the state where care is provided for 4 to 8 children. (See sec. 66.1017, Wis. Stats.)

20.8 Fence A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, concrete, metal, wire, masonry, stacked rocks, or logs.

20.9 Foster home and treatment foster home 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. (See sec. 48.62, Wis. Stats.)

20.10 Garage, nonresidential A building intended to house vehicles and items related to the principal use of the premises.

20.11 Garage, residential A building intended to house vehicles and household items belonging to the owner of the principal residence.

20.12 Home occupation Any occupation, profession, enterprise, or similar activity conducted on the premises of a single-family residence as an accessory use and that is compatible in size and scope in an urban residential setting. The term does not include hobbies or similar non-commercial activities or any activity that meets the definition of an industrial use.

20.13 Large Scale Private Outdoor commercial food and beverage service An outdoor area located on the same lot as a restaurant or drinking establishment where customers can consume food and drink.

20.135 Small Scale Private Outdoor Commercial food and beverage service. An outdoor area LESS THAN 1500 sq. feet serving LESS than 50 persons located on the same lot as a restaurant or drinking establishment where customers can consume food and drink.

20.14 Outdoor display incidental to indoor sales A place where a limited line of merchandise is displayed outside of a retail sales business over an extended period of time. Sales agents are not assigned to assist customers here and sales transactions occur inside the building.

20.15 Outdoor furnace An apparatus designed to burn solid or liquid combustible materials (e.g., corn, corn cobs, wood, wood pellets, coal, fuel oil) to produce heat and/or heat water for a building in which it is not located.

20.16 Parking lot, on-site A parking lot located entirely on the parcel it is intended to serve.

20.17 Play structure A playhouse and recreational equipment including swings, slides, basketball hoops, and jungle gyms.

20.18 Private kennel A place where dogs are kept and is not classified as a commercial kennel.

20.19 Private stable A place and/or building, or portion thereof, used or is intended for noncommercial activities relating to rearing, training, and riding horses.

20.20 Roadside produce stand A place and/or building, or portion thereof, used or is intended for the retail sale of agricultural products produced exclusively on the premises.

20.21 Standby electrical power generator A mechanical device that generates electricity for an on-site building when power from the main power grid is interrupted.

20.22 Storage container An enclosed metal container exceeding 90 cubic feet typically used to temporarily store merchandise.

20.23 Swimming pool A permanent structure placed above-ground or below-ground that is filled with water for swimming. The term does not include those pools that are less than 15 feet in diameter and which are taken down and stored in the off-season.

20.24 Upper floor residential One or more dwelling units located above the first floor of a multi-floor building, where nonresidential land uses as may be permitted in the zoning district are located on the first floor.

20.25 Walk-up service window An opening in a building through which patrons are served while standing outside of the building.

20.26 Wharf A structure adjoining a shoreline along its length that provides a berth for watercraft or is used for loading or unloading cargo or passengers onto or from watercraft.

20.27 Wind energy system A structure designed to generate electricity from wind.

20.28 Yard shed An accessory building designed to store yard furniture and tools, equipment, and supplies normally associated with lawn and garden care.

20.29 Industrial District Retail. Retail sales and activities related to the products manufactured on premises.

20.30 Short Term Rental. A *residential dwelling* offered or occupied for rent for a fee or similar consideration for more than six but fewer 29 consecutive days.

21.0 TEMPORARY *USES*

21.1 Circus A place and/or building, or portion thereof, with entertainment consisting of a variety of performances by trained animals, acrobats, clowns, or other trained performers.

21.2 Farmers' market A place and/or building, or portion thereof, where agricultural producers gather on a regular basis to sell agricultural products directly to retail consumers.

21.3 Itinerant sales An outdoor area used or is intended for retail sales over a limited duration. The merchandise may be offered by one or more vendors and be displayed out of doors and/or within a nonpermanent structure, such as a trailer or tent. The term includes flea markets, bazaars, and the like. The term does not include seasonal product sales, rummage sales, or roadside farmer markets.

21.4 On-site construction office A building placed on a construction site used by the contractor as a field office and removed when construction is complete.

21.5 On-site real estate sales office A residential dwelling in a residential development temporarily used as a sales office for other on-site residential dwellings.

21.6 Outdoor vendor Any commercial activity that occurs outside of the building that hosts the principal commercial use. The term includes sketch artists, food vendors, and retail sales.

21.7 Seasonal product sales An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and sold immediately before the event. Examples include Christmas trees and wreaths for Christmas and pumpkins for Halloween. The term does not include fireworks sales for the Fourth of July.

21.8 Sidewalk café An outdoor dining area located upon public property, including 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.

21.9 Snow disposal site A place where snow that accumulates on another site is stored and allowed to melt naturally.

21.10 Street performance Any public performance conducted within a street right-of-way or public park for the enjoyment of passersby and others. Examples include jugglers, mimes, street musicians, and face painters.

19.112 to 19.199 reserved

Article 3
ADMINISTRATIVE AND ENFORCEMENT BODIES

Divisions:

1. Plan commission
2. Board of appeals
3. Zoning administrator
4. Ground water technical review committee

Division 1
PLAN COMMISSION

Sections:

19.200	Establishment	19.205	Commission procedures
19.201	Jurisdiction	19.206	Meeting minutes
19.202	Authority	19.207	Schedule of meetings
19.203	Composition and appointment of members	19.208	Voting and quorum
19.204	Officers		

19.200 Establishment
Pursuant to sec. 62.23 (1) Wis. Stats., a plan commission is established to undertake the responsibilities herein defined and as allowed by state law.

19.201 Jurisdiction
The jurisdictional area of the plan commission includes the area within the incorporated limits of the city, the borders of which may change through annexation or detachment, and for purposes of extraterritorial plat review, the area within 1½ miles of the city limits.

19.202 Authority

(1) **Generally**. The plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning, whether enumerated in this section or not. (See sec. 62.23 (4), Wis. Stats.)

(2) **Right to enter property**. The plan commission, along with its individual members and employees, in the performance of its functions, may enter upon land to make examinations and surveys, and place and maintain necessary monuments and marks thereon. (See sec. 62.23 (4), Wis. Stats.)

(3) **Staff**. The plan commission shall have the power and authority to employ experts and staff, and to pay for their services and such other expenses as may be necessary and proper, but not exceeding the appropriation that may be made for such commission by the common council, or placed at its disposal through gift, and subject to an ordinance or resolution adopted by the common council. (See sec. 62.23 (1) (e), Wis. Stats.)

(4) **Official map**. The plan commission, at the direction of the common council, may recommend the adoption of or amendment to an official map.

(5) **Comprehensive plan**. The plan commission, on its own motion, or at the direction of the common council, may recommend the adoption or amendment of a comprehensive plan. (See sec. 66.1001 (4), Wis. Stats.)

(6) **Non-regulatory programs**. The plan commission, on its own motion, or at the direction of the common council, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development, and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(7) **Conditional use permits**. The plan commission shall review, hear, and make recommendations to the common council on conditional use permits for which it has specifically been granted review authority.

(8) **Miscellaneous reports**. The plan commission, on its own motion, or at the direction of the common council, 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.

(9) **Referrals as required by state statute**. Pursuant to state statute, the following shall be referred to the plan commission for report:
- (a) the location and architectural design of any public building;
- (b) the location of any statue or other memorial;
- (c) 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 or playground; airport; area for parking vehicles; or other memorial or public grounds;
- (d) the location, extension, abandonment, or authorization for any publicly- or privately-owned public utility;
- (e) all plats under the city or within the territory over which the city is given platting jurisdiction by chapter 236, Wis. Stats.;
- (f) the location, character, and extent or acquisition, leasing, or sale of lands for public or semi-public housing; slum clearance; relief of congestion; or vacation camps for children; and
- (g) the amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats. (See sec. 62.23 (5), Wis. Stats.)

19.203 Composition and appointment of members

(1) **Members and appointment**. The commission shall consist of seven (7) members appointed by the mayor and confirmed by the Common Council as follows:
- (a) The Mayor, who shall serve as chair,
- (b) a member of the Common Council,
- (c) the Fire Chief, and
- (d) four (4) citizen members.

(2) **Terms**. Each citizen member shall serve staggered terms of three (3) year s. The mayor and fire chief shall serve during their terms. The council member shall a term of one (1) year.

(3) **Considerations in making citizen appointments**. Citizen members shall be persons of recognized experience and qualifications and shall be residents of the city. (See sec. 62.23 (1) (a), Wis. Stats.)

(4) **Conditions for removal**. A citizen member shall be removed from the commission and the member's office declared vacant when the member (1) fails to attend three successive meetings without excused absences; or (2) moves outside of the city.

(5) The Fire Chief may designate the Assistant Fire Chief to act in the absence of the Chief.

19.204 Officers

The mayor shall designate one of the members as chairperson. (See sec. 62.23 (1) (a), Wis. Stats.) If the chairperson is absent for a meeting, one council member shall serve as acting chairperson in his absence.

19.205 Commission procedures

The commission may adopt rules of procedure to carry out its purposes. All such rules shall conform to this code, other city regulations, and state law and shall be filed in the office of the city clerk.

19.206 Meeting minutes

The commission shall keep minutes of its proceedings, showing the vote of each member/alternate upon each motion, or, if absent or failing to vote, indicating such fact. Minutes once approved by the commission shall be filed with the city clerk and shall constitute a public record.

19.207 Schedule of meetings

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

19.208 Voting and quorum

(1) **Requirements for quorum**. A quorum shall consist of a majority of the voting members.

(2) **Requirements for voting**. Unless otherwise specifically stated, a decision of the commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

(3) **Disqualification or voluntary abstention**. In adjudicative decisions, 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) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) another law precludes participation.

19.209 to 19.219 reserved

Division 2
BOARD OF APPEALS

Sections:

19.220	Establishment	19.224	Board procedures
19.221	Authority	19.225	Meetings minutes
19.222	Composition and appointment of members	19.226	Schedule of meetings
19.223	Officers	19.227	Voting and quorum

19.220 Establishment
Pursuant to sec. 62.23 (7) (e), Wis. Stats., a board of appeals is established to undertake the responsibilities herein defined and as allowed by state law.

19.221 Authority
(1) **Board**. The board of appeals shall have the following authority and responsibility:
- (a) **Appeals**. To hear and decide appeals where it is alleged that an administrative official responsible for administering this code (1) failed to act as required; (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 an interpretation or any other determination. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, wholly or partly, 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**. To hear and decide variances consistent with this code. (See sec. 62.23 (7) (e) (7), Wis. Stats.)

(2) **Chairperson**. The chairperson or acting chairperson may administer oaths and compel the attendance of witnesses. (See sec. 62.23 (7) (e) (3), Wis. Stats.)

19.222 Composition and appointment of members
(1) **Number and appointment**. The board shall consist of 5 members as appointed by the mayor subject to confirmation of the common council. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

(2) **Alternates**. The mayor shall appoint 2 alternates for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

(3) **Considerations in making appointments**. Board members and alternates shall be residents of the city.

(4) **Terms and vacancies**. Each member shall be appointed to hold office for a period of 3 years, except for those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

(5) **Vacancies**. Vacancies shall be filled for the unexpired term of any member or alternate whose term becomes vacant. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

(6) **Conditions for removal**. The mayor may remove a member or alternate for cause upon written charges and after public hearing. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

19.223 Officers
The mayor shall designate one of the members as chairperson. (See sec. 62.23 (7) (e) (3), Wis. Stats.)

19.224 Board procedures
The board may adopt rules of procedure to carry out its purposes. All such rules shall conform to this code, other city regulations, and state law and shall be filed in the office of the city clerk. (See sec. 62.23 (7) (e) (3), Wis. Stats.)

19.225 Meeting minutes
The board shall keep minutes of its proceedings, showing the vote of each member/alternate upon each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the board shall be filed with the city clerk and shall constitute a public record. (See sec. 62.23 (7) (e) (3), Wis. Stats.)

19.226 Schedule of meetings
Meetings shall be held at the call of the chairperson and at such other times as the board may determine. (See sec. 62.23 (7) (e) (3), Wis. Stats.)

19.227 Voting and quorum

(1) **Requirements for quorum**. A quorum shall consist of 3 voting members.
(2) **Requirements for voting**. A decision of the board shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting. (See sec. 62.23 (7) (e) (3m), Wis. Stats.)
(3) **Disqualification or voluntary abstention**. In adjudicative decisions, 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 can not reasonably be expected to exercise sound judgment in the public interest; (3) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) another law precludes participation.
(4) **Voting by alternates**. The first alternate may vote only when one of the members 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 member of the board is absent or is not able to vote. (See sec. 62.23 (7) (e) (2), Wis. Stats.)

19.228 to 19.239 reserved

Division 3
ZONING ADMINISTRATOR

Sections:

19.240	Establishment	
19.241	Authority	

19.240 Establishment
The position of zoning administrator is established to undertake the responsibilities herein defined and as allowed by state law. The common council shall appoint an individual to serve in this position who shall serve at the pleasure of the council.

19.241 Authority
The zoning administrator shall administer, supervise, and enforce the provisions of this code and in furtherance of those duties shall have the responsibility to:

(a) issue zoning permits, occupancy permits, and code interpretations consistent with the provisions of this code;
(b) revoke any issued permit or interpretation with reasonable cause;
(c) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
(d) prepare staff reports consistent with the code and make recommendations deemed appropriate;
(e) prepare agendas for the plan commission and board of appeals;
(f) have access to premises, public or private, during reasonable hours to conduct inspections deemed necessary to ensure compliance with this code. If entry is refused after presentation of identification, the administrator may procure a special inspection warrant in accordance with sec. 66.122, Wis. Stats.;
(g) investigate complaints regarding violations of this code;
(h) issue violation notices;
(i) issue stop work orders;
(j) initiate legal proceedings to correct violations in consultation with the city attorney;
(k) recommend amendments to this code; and
(l) undertake any other activity not enumerated here but necessary to administer and enforce this code.

19.242 to 19.249 reserved

Division 4
GROUND WATER TECHNICAL REVIEW COMMITTEE

Sections:

19.250	Establishment	19.254	Committee procedures
19.251	Authority	19.255	Meetings minutes
19.252	Composition and appointment of members	19.256	Schedule of meetings
19.253	Officers	19.257	Voting and quorum

19.250 Establishment
A ground water technical review committee is established to undertake the responsibilities herein defined and as allowed by state law.

19.251 Authority
(1) **Generally**. The ground water technical review committee shall serve in an advisory role to the plan commission and common council.
(2) **Right to enter property**. The ground water technical review committee, along with its individual members and consultants, may enter upon land which is the subject of a pending conditional use application it has authority to act on.
(3) **Conditional use applications**. The ground water technical review committee shall review, hear, and make recommendations to the plan commission on those conditional use applications it has authority to act on.
(4) **Consultants**. The ground water technical review committee shall have the power and authority to employ consultants to assist in reviewing a development application it has authority to act on, provided the cost of the consultant is paid by the applicant.
(5) **Comprehensive plan amendments**. The ground water technical review committee may recommend changes to the city's comprehensive plan which are intended to safeguard the city's ground water.
(6) **Code amendments**. The ground water technical review committee may develop recommended changes to this code which are intended to safeguard the city's ground water.

19.252 Composition and appointment of members
The committee shall consist of 4 voting members and up to 3 nonvoting members. Voting members shall include the zoning administrator, city engineer or director of public works, superintendent/manager of public utilities, and city building inspector. Nonvoting members shall include an individual as appointed by a county board chair, a local representative of the Wisconsin Department of Natural Resources with expertise in ground water or ground water contamination issues, and a citizen member as appointed by the mayor, who is a hydrogeologist, hydrologist, or a professional engineer with a background in ground water, or is a certified ground water professional.

19.253 Officers
The zoning administrator shall serve as chairperson of the ground water technical review committee.

19.254 Committee procedures
The ground water technical review committee may adopt rules of procedure to carry out it purposes. All such rules shall conform to this code, other city regulations, and state law and shall be filed in the office of the city clerk.

19.255 Meeting minutes
The ground water technical review committee shall keep minutes of its proceedings, showing the vote of each voting member upon each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the committee shall be filed with the city clerk and shall constitute a public record.

19.256 Schedule of meetings
Meetings shall be held at the call of the chairperson and at such other times as the ground water technical review committee may determine.

19.257 Voting and quorum
(1) **Requirements for quorum**. A quorum shall consist of 3 voting members.

(2) **Requirements for voting**. A decision of the committee shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.

19.258 to 19.299 reserved

Division 5
DESIGN REVIEW COMMITTEE

Sections:

19.260	Establishment	19.264	Committee procedures
19.261	Authority	19.265	Meetings minutes
19.262	Composition and appointment of members	19.266	Schedule of meetings
19.253	Officers	19.267	Voting and quorum

19.260 Establishment

A Design Review Committee is established to undertake the responsibilities herein defined and as allowed by state law.

19.261 Authority

(1) **Generally**. The Design Review Committee shall serve in an advisory role to the building official, plan commission and common council.

(2) **Jurisdiction**. The Design Review Committee shall review all projects that involve construction, and/or maintenance in the C-2 Commercial Downtown Zoning District and all signage throughout the city.

(3) **Right to enter property**. The Design Review Committee, along with its individual members and consultants, may enter upon land which is the subject of a pending conditional use application it has authority to act on.

(4) **Conditional use and Site Plan applications**. The Design Review Committee shall review, hear, and make recommendations to the plan commission on those conditional use and site plan applications it has authority to act on.

(5) **Standards**. The Design Review Committee shall have the power and authority to enact Design Standards to assist in reviewing a development application it has authority to act on.

(6) **Comprehensive plan amendments**. The Design Review Committee may recommend changes to the city's comprehensive plan which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .

(7) **Code amendments**. The Design Review Committee may develop recommended changes to this code and/or the sign code which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .

19.262 DRC Members, Appointments and Chair

(1) The Design Review Committee shall have five (5) members as follows:
   a. Business Improvement District (BID) Chair, member or designee.
   b. Community Development Authority (CDA) Chair, member or designee.
   c. Common Council Member.
   d. Two (2) public members.

(2) The public members shall be associated with commercial ventures in the City as, without limitation, owners, operators, managers or employees; and, shall serve staggered terms of three (3) years.

(3) The CDA, BID and Common Council members shall serve terms of one (1) year.

(4) All members shall be appointed by the Mayor and approved by the Common Council.

(5) The Mayor shall designate the Committee Chair subject to approval by the Common Council.

19.263

19.264 Committee procedures

(1) The Design Review Committee shall review all projects involving signage, construction and/or maintenance, including: all new building construction, any exterior alteration or additions to existing buildings, all new signage or decorations, changes to existing colors.

(2) The Design Review Committee shall evaluate projects on a case by case basis to ensure the exterior architectural appeal and functional plan of the proposed project will not, within the discretionary judgment of the committee, be contrary to generally accepted design standards or to the underlying aesthetic values of the downtown business district.

(3) If the Committee denies, modifies, or conditions an application, it shall give written notice of the action, reasons and rationale to the applicant and the building official.

(4) Decision of the Design Review Committee will be forwarded to the permitting body.

(a) Conditional Use Permit and Site Plan Permit reviews will be forwarded to the Plan Commission, to be included in its recommendation to the Common Council.
(b) Building Permit and Sign Permit reviews will be forwarded to the Building Official to approve or deny the permit.

19.265 Meeting minutes
The Design Review Committee shall keep minutes of its proceedings, showing the vote of each voting member upon each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the committee shall be filed with the city clerk and shall constitute a public record.

19.266 Schedule of meetings
Meetings shall be held at the call of the chairperson and at such other times as the Design Review Committee may determine.

19.267 Voting and quorum
(1) **Requirements for quorum**. A quorum shall consist of 3 voting members.
(2) **Requirements for voting**. A decision of the committee shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.

19.268 to 19.269 reserved

Article 4
ADMINISTRATION AND ENFORCEMENT

(1) Divisions:

1. Generally
2. Notice requirements
3. Public hearings
4. Zoning permit
5. Occupancy permit
6. Conditional use permit
7. Site plan review
8. Change in nonconforming use
9. Planned development
10. Code amendment
11. Extension of approval period
12. Variance
13. Administrative appeal
14. Code interpretation
15. Enforcement

Division 1
GENERALLY

Sections:

19.300	Legislative findings	19.306	Concurrent review
19.301	Purpose	19.307	Application fees
19.302	Permission to enter subject property	19.308	Building permit
19.303	Revocation of approval due to false or inaccurate information	19.309	Non-confidentiality of submitted information
19.304	Burden of proof		
19.305	Effect of an outstanding violation		

19.300 Legislative findings

The common council makes the following findings:

(a) Excessive procedural requirements add unnecessary costs to development projects.
(b) The public, adjacent landowners, and affected agencies have a right to know about certain proposed projects and have meaningful participation in the review process.
(c) Written findings should accompany every adjudicative decision to serve as a permanent record documenting the reasons for approval or denial and the conditions of approval, if any.
(d) Enforcing the rules and regulations contained in this code is an important function of city government.

19.301 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(a) provide efficient and timely review of applications and ensure fairness and due process;
(b) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions; and
(c) ensure complete and timely compliance.

19.302 Permission to enter subject property

Submission of an application as required in this code authorizes officials and employees of the city, 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 authorized agent. Failure to allow access to the subject property shall be sufficient grounds to deny the application.

19.303 Revocation of approval due to false or inaccurate information

The common council may revoke, suspend, or reconsider any permit or other authorization if it determines that the information in the application or otherwise provided by the applicant or the applicant's agent is false or inaccurate, and that the misrepresentation materially altered the final outcome.

19.304 Burden of proof

(1) **During application process**. During the application processes, the applicant has the burden of proof to show that the proposed development is consistent with this code.

(2) **During appeal of an administrative decision**. In instances where an applicant appeals an administrative decision to the board of appeals, the administrative unit or department making said decision has the burden of proof to show that the decision is consistent with this code.

(3) **During enforcement proceedings**. During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of this code.

19.305 Effect of an outstanding violation

No permit or approval of any kind may be given on a parcel that is in violation of this code, except to correct the violation.

19.306 Concurrent review

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

19.307 Application fees

At its discretion, the common council may set and revise application fees as provided for in sec. 2.05 of the municipal code. Fees shall be paid at the time of the application and are non-refundable.

19.308 Building permit

A building permit for new construction or 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.

19.309 Non-confidentiality of submitted information

All written information that a potential applicant submits to staff during a pre-submittal meeting is considered part of the public record.

19.310 to 19.319 reserved

Division 2
NOTICE REQUIREMENTS

Sections:

19.320	When required	19.324	Town notice
19.321	Content of required notice	19.325	Property owner notice
19.322	Cost of notice	19.326	Agency notice
19.323	Public notice	19.327	Distribution list notice

19.320 When required

Notice shall be provided for as shown in exhibit 4-1.

Exhibit 4-1. Public notice

Division	Type of Action	Public Notice Class I	Public Notice Class II	Town Notice	Property Owner Notice	Agency Notice	Distribution List Notice
4	Zoning permit	-	-	-	-	-	-
5	Occupancy permit	-	-	-	-	-	-
6	Conditional use permit	-	X	-	X	X	-
7	Site plan review	-	-	-	-	-	-
8	Change in nonconforming use	X	-	-	X	X	-
9	Planned development district (PDD)	-	X	X	X	X	-
10	Code amendment – map amendment – landowner initiated	-	X (1)	X	X	X	X
	Code amendment – map amendment – city initiated	-	X (1)	X	-	X	X
	Code amendment – text amendment	-	X (1)	-	-	X	X
11	Extension of approval period	-	-	-	-	-	-
12	Variance	X	-	-	X	X	-
13	Administrative appeal	-	-	-	-	-	-
14	Code interpretation	-	-	-	-	-	-
15	Enforcement	-	-	-	-	-	-

X indicates that that type of notice is required

- indicates that that type of notice is not required

1. 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.

19.321 Content of required notice

Notices shall include the information as listed in exhibit 4-2.

Exhibit 4-2. Content of notice

Type of Action	Public Notice	Town Notice	Property Owner Notice	Agency Notice	Distribution List Notice
Applicant name	X	X	X	X	
Subject property address or legal description by which the public can locate the property	X	X	X	X	
Nature of the application	X	X	X	X	
A description of the proposed project	X	X	X	X	
Name of body or official who will consider the application	X	X	X	X	X
Date, time and location of the hearing for accepting public comment	X	X	X	X	X
Location where the public can view the application	X	X	X	X	X
The criteria that will be used to evaluate the proposal	-	X	X	X	
Location map	X	X	X	X	

X indicates that that type of information is to be provided with that type of notice

- indicates that that type of information is not required with that type of notice

19.322 Cost of notice
The city shall pay for all notice required under this division which is recouped through the associated application fees.

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

(a) **Time requirements**. A class I notice shall be published one time at least one week before the meeting or hearing. A class II notice shall be published once each week for two consecutive weeks, the last one occurring at least one week before the meeting or hearing (See sec. 985.01 (1m) and 985.07, Wis. Stats.), except for code amendments which are to be published once during each of the two weeks prior to such hearing (See sec. 62.23 (7)(d), Wis. Stats.).
(b) **Content**. The notice shall include the information listed in exhibit 4-2.

19.324 Town notice
When required, the official responsible for processing the application shall send a copy of the application and a notice to the appropriate town clerk consistent with the following provisions:

(a) **Time requirements**. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.
(b) **Content**. The notice shall include the information listed in exhibit 4-2.
(c) **Failure to notify other agencies**. The failure of a town clerk to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

19.325 Property owner notice
When required, the official responsible for processing the application shall mail a notice to each owner of record of property within 300 feet of the property involved in the application consistent with the following provisions:

(a) **Time requirements**. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.
(b) **Content**. The notice shall include the information listed in exhibit 4-2.
(c) **Source of names and addresses**. The names of property owners shall be deemed to be those listed on the most current listing maintained by the appropriate county department.
(d) **Failure to notify owner**. The failure of an owner of record to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.
(e) **Additional notice**. Where the applicant is the owner of the land adjoining the property involved in the application, the zoning administrator may require that notices be mailed to additional property owners as deemed appropriate.

19.326 Agency notice
When required, the official responsible for processing the application shall send a copy of the application and a notice to other units of government and other service providers substantially affected by the proposal consistent with the following provisions:

(a) **Time requirements**. The notice shall be mailed at least 10 days prior to the first scheduled hearing or date of decision.
(b) **Content**. The notice shall include the information listed in exhibit 4-2.
(c) **Failure to notify other agencies**. The failure of an agency to receive mailed notice shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

19.327 Distribution list notice (See sec. 62.23 (7)(d)(4), Wis. Stats.)

(1) **Establishment of distribution list**. The city council shall maintain a list of persons who submit a written request to receive notice of any proposed zoning action that may be taken that affects the allowable use of the person's property.
(2) **When notice is required**. The city council shall send a notice, which contains a copy of the proposed regulations or proposed amendments, to each person on the list whose property, the allowable use of which may be affected by the proposed regulations or amendments.
(3) **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 council.

(4) **Establishment of charges**. The city council may charge each person on the list who receives a notice a fee that does not exceed the approximate cost of providing the notice to the person.
(5) **Failure to send notice**. An ordinance or amendment may take effect even if the city council fails to send the notice as required by this section.

19.328 to 19.339 reserved

Division 3
PUBLIC HEARINGS

Sections:

19.340	Legislative findings	19.343	Continuances
19.341	General requirements	19.344	Public comment
19.342	Procedure		

19.340 Legislative findings
The common council makes the following findings:
(a) Public hearings should be conducted in an orderly, timely, and efficient manner.
(b) Public input is important and should be encouraged.

19.341 General requirements
(1) **Meetings to be public**. All public hearings shall be conducted in a place that is open to the public.
(2) **Notice of meetings**. Notice of public hearings shall be given as provided for in division 2.
(3) **Minutes**. The body conducting the hearing shall keep minutes of the proceedings, indicating the attendance of each member, and the vote of each member on each question. The body conducting the hearing shall approve the minutes, and upon approval shall become part of the public record.

19.342 Procedure
The presiding officer conducting the public hearing shall follow the following procedure as a general guideline:
(a) announce the purpose and subject of the public hearing;
(b) determine whether public notice as required by this code has been provided. If notice has not been provided, the hearing shall be postponed until such time as proper notice has been provided;
(c) 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;
(d) 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 if that member does have a conflict of interest and should be removed from the pending decision;
(e) ask the applicant to describe the proposal;
(f) ask the staff to present a staff report, if required;
(g) allow members of the body conducting the public hearing to direct questions to both the applicant and staff, if present;
(h) ask for statements from the public who are in favor of the application;
(i) ask for statements from the public who oppose the application;
(j) call for discussion of the members of the body conducting the public hearing during which time they may ask questions of the applicant and staff, if present;
(k) ask the applicant if he wishes to (1) respond to any comment made by an individual during the proceeding; (2) submit additional information; (3) amend the application; and/or (4) request a continuance;
(l) close the public hearing.

19.343 Continuances
(1) **Initiation**. The applicant may request a continuance during the proceedings 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 continuance. If the applicant does not grant a continuance, the body shall act on the information at its disposal.
(2) **Effect**. A continuance stops the time clock for making a decision.

19.344 Public comment

(1) **Time limitations on public comment**. The presiding officer may impose time limits on each individual who wishes to speak to assure completion of the agenda in a timely manner.

(2) **Written comment**. Members of the public may submit written statements to the body conducting the public hearing.

19.345 to 19.349 reserved

Division 4
ZONING PERMIT

Sections:

19.350	Legislative findings	19.353	Basis of decision
19.351	Permit required	19.354	Expiration of approval
19.352	Application and review procedure	19.355	Appeal

19.350 Legislative findings

The common council makes the following findings:

(a) Landowners need to know, prior to construction, whether the proposed development complies with this code.

(b) Tenants and landowners need to know prior to moving into an existing non-residential building whether the proposed use complies with this code.

19.351 Permit required

(1) **New construction**. No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit.

(2) **Change in use**. No existing non-residential building or structure may be occupied without a zoning permit.

19.352 Application and review procedure

(1) **Submittal of application**. The applicant shall submit a completed application to the zoning administrator along with the application fee as may be established by the common council.

(2) **Determination of completeness**. Within 2 days of submittal, the administrator shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(3) **Determination of compliance**. Within 3 days after a determination of completeness, the administrator shall approve the application or deny the application based on the decision criteria established in this division.

(4) **Resubmittal of application**. If the application is denied, the applicant has 20 days to submit another application or forfeit the original application fee.

19.353 Basis of decision

In determining whether to issue a zoning permit, the zoning administrator shall determine whether the proposed use is consistent with the zoning requirements established in this code.

19.354 Expiration of approval

(1) **New construction**. For new construction, the permit shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

(2) **New use**. For a change in use, the permit shall expire six months after the date of issuance if the applicant does not move into the vacant space.

19.355 Appeal

The applicant and/or an aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with the board of appeals within 30 days of the final decision.

19.356 to 19.359 reserved

Division 5
OCCUPANCY PERMIT

Sections:

19.360	Permit required	19.363	Issuance of a permit when partially complete
19.361	Application and review procedure	19.364	Expiration of approval
19.362	Basis of decision	19.365	Appeal

19.360 Permit required
No newly constructed building shall be occupied until such time as an occupancy permit has been issued.

19.361 Application and review procedure
(1) **Submittal of application**. The applicant shall submit a completed application to the zoning administrator along with the application fee as may be established by the common council.
(2) **Determination of completeness**. Within 3 days of submittal, the administrator shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.
(3) **Decision**. Within 3 days after a determination of completeness, the administrator shall review the application and determine if the occupancy permit should be issued.
(4) **Applicant notification of determination**. Within 3 days following the determination, the administrator shall mail the determination to the applicant.
(5) **Creation of permanent record**. The administrator shall maintain such determination as a public record and for future reference.

19.362 Basis of decision
In determining whether to issue an occupancy permit, the zoning administrator shall determine whether the structure and associated development meets the standards and requirements of this code and/or the terms of approval.

19.363 Issuance of a permit when partially complete
Prior to the completion of all work, the administrator may at his/her discretion issue an occupancy permit for that area of the building that has been completed. For example, if a builder is constructing a multi-floor building, it would be possible to obtain an occupancy permit on the first floor while work continues on the upper levels.

19.364 Expiration of approval
The permit once issued shall not expire.

19.365 Appeal
The applicant and/or an aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with the board of appeals within 30 days of the final decision.

19.366 to 19.369 reserved

Division 6A
CONDITIONAL USE PERMIT

Sections:

19.370	Generally	19.376	Staff report content
19.371	Application and review procedure	19.377	Content of decision
19.372	Extension of review period	19.378	Effect of approval
19.373	Basis of decision	19.379	Expiration of approval
19.374	Imposition of conditions	19.380	Subsequent modifications and additions
19.375	Application form and content	19.381	Appeal

19.370 Generally

The City of Wisconsin Dells has determined that there are land uses that would be prudent for the city to review, but the potential impact of these uses is minimal so the review process should be streamlined. There are referenced as Conditional Use 2 and are listed in Division 3 of Article 5.

19.371 Application and review procedure

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to:
   (a) review applicable regulations and procedures;
   (b) review applicable goals and objectives of the city's comprehensive plan and the applicable neighborhood plan(s), if any; and
   (c) review the proposal.

   The pre-submittal meeting may, at the discretion of the administrator and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the telephone conference, any preliminary drawings and maps shall be submitted to the administrator. A representative from the Public Works Department, Fire Department, and other city departments as appropriate should participate in this preliminary discussion.

(2) **Submittal of application**. The applicant shall submit an application to the administrator along with the application fee as may be established by the common council.

(3) **Determination of completeness**. Within 10 days, but not sooner than 4 days, of submittal, the administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(4) **Ground water technical review committee recommendation**. If the use is subject to the conditional use provisions of the wellhead protection overlay district, the ground water technical review committee shall meet to review the application and make a recommendation to the plan commission to (1) approve the conditional use permit; (2) approve the conditional use permit with conditions; or (3) deny the conditional use permit.

(5) **Schedule date of review**. The administrator shall schedule a public hearing with the plan commission.

(6) **Staff report**. The administrator shall prepare a written staff report as described in this division and mail it to each member of the plan commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. The administrator shall also provide a copy to interested people upon request.

(7) **Public hearing**. The plan commission shall conduct a public hearing consistent with division 2.

(8) **Plan commission recommendation**. Within 10 days of the public hearing (unless the applicant consents to an extension of the review period), the plan commission after considering the comments and recommendations of the staff report and the recommendation of the ground water technical review committee, if appropriate, shall make a recommendation to the common council based on the decision criteria contained in this division to (1) approve the conditional use permit; (2) approve the conditional use permit with conditions; or (3) deny the conditional use permit.

(9) **Common council decision**. Allowing for proper public notice, the common council shall consider the application. After considering the public comments received at the public hearing, the recommendation of the plan commission, the staff report, the recommendation of the ground water technical review committee, if appropriate, and other information as appropriate, the common council shall make a decision based on the decision criteria contained in this division to (1) approve the conditional use permit; (2) approve the conditional use permit with conditions; or (3) deny the conditional use permit. In the event of an adverse recommendation by the plan commission, a ¾-vote of all of the members of the common council shall be needed to approve said conditional use. The decision shall be prepared consistent with the requirements contained in this division.

19.372 Extension of review period

(1) **Generally**. Prior to the final decision of the common council, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information.

(2) **Procedure**. If the common council approves the extension, the plan commission will rehear the amended application with appropriate notice.

(3) **Extension requirements**. Unless otherwise stated in writing, an extension request automatically extends the review period to 30 days beyond the date when the plan commission hears the amended application.

19.373 Basis of decision

The plan commission in making its recommendation and the common council in making its decision shall consider the following factors:

(a) consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any
(b) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site
(c) the suitability of the subject property for the proposed use
(d) effects of the proposed use on the natural environment
(e) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances
(f) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district
(g) effects of the proposed use on the city's financial ability to provide public services

19.374 Imposition of conditions

(1) **Generally**. The plan commission may recommend and the common council may impose such conditions and restrictions 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. Conditions as imposed shall be achievable.

(2) **Special conditions for conditional uses subject to wellhead protection overlay district requirements**. As a condition of approval, the owner/operator of a use subject to the conditional use provisions of the wellhead protection overlay district shall, at a minimum, be required to:

(a) obtain and maintain approval from appropriate federal and state agencies to handle the regulated substance;
(b) employ best management practices related to the regulated substance;
(c) submit to the city results from environmental monitoring related to the regulated substance as may be required by a state or federal agency;
(d) convert existing technologies that handle the regulated substance to best available technologies when required by the city to provide adequate protection of the public water supply;
(e) replace worn-out or defective equipment that is used to handle the regulated substance;
(f) construct facilities to contain the regulated substance when required by the city to provide adequate protection of the public water supply;
(g) undertake environmental and safety monitoring when required by the city to provide adequate protection of the public water supply; and
(h) develop and maintain an operational safety plan and a contingency plan that addresses the regulated substance.

(3) **Limitations on imposing conditions**. The plan commission shall not recommend and 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 3rd party under which the 3rd party is engaging in a lawful use of the property. (See sec. 62.23(7)(gm), Wis. Stats.)

19.375 Application form and content

The application submittal shall include the following:

(a) an application form as may be used by the city;
(b) a project map prepared at an appropriate scale and containing the information listed in appendix A; and
(c) a list of variances, requested or granted, that are relevant to the application.
(d) If the use is subject to the provisions of the wellhead protection overlay district, the application submittal shall also include the following:
(e) schematics for all proposed containment facilities;
(f) a floor plan that shows doorways, loading docks, building service areas, and storage areas for regulated substances for each building in which the regulated substance is handled;

(g) a proposed operational safety plan that describes the operational procedures for material processes and containment;
(h) a proposed contingency plan that addresses in detail the actions to be taken should a regulated substance be released into the environment; and
(i) an environmental risk assessment, prepared by a qualified professional, that details the risk of ground water contamination associated with the regulated substance.

19.376 Staff report content
At a minimum, the staff report shall contain the following information:
(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for each of the decision criteria listed in this division;
(c) a preliminary list of conditions if approval is recommended; and
(d) a recommendation to approve the application, approve it with conditions, or deny the application.

19.377 Content of decision
If the application is denied, the decision shall include the following:
(a) A statement that the application is denied.
(b) A description of the project, including acreage and proposed use characteristics.
(c) Findings for each of the decision criteria.
(d) A statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration.
(e) A statement that the decision may be appealed to a court of competent jurisdiction.
(f) Date of the decision.

19.378 Effect of approval
When the conditional use permit authorizes the construction of a new building or structure eligible for assessment for real property tax purposes, the permit shall run with the land and be binding on all subsequent property owners. In all other cases, the permit shall be personal to the applicant and shall automatically lapse when the applicant ceases to operate the conditional use.

19.379 Expiration of approval
(1) **Non-establishment**. The conditional use permit shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
(2) **Non-use**. If a conditional use is established, but ceases to operate for more than 7 months, the conditional use permit shall automatically expire.

19.380 Subsequent modifications and additions
If during or after establishment of the project as authorized by the conditional use approval, the owner proposes to expand or modify the use, buildings, and/or structures, the zoning administrator shall determine if such proposed change would likely alter the finding for one or more review criteria. If the proposed change would likely alter a finding, the proposal shall be submitted to the plan commission for review as an amendment to the conditional use approval. If the proposed change would likely not alter a finding, the zoning administrator shall authorize the amendment in writing and notify the plan commission of his/her decision.

19.381 Appeal
The applicant and/or 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 days of the final decision.

19.382 to 19.389 reserved

Division 7
SITE PLAN REVIEW

Sections:

19.390	Applicability	19.396	Staff report content
19.391	Application and review procedure	19.397	Content of decision
19.392	Extension of review period	19.398	Effect of approval
19.393	Basis of decision	19.399	Expiration of approval
19.394	Imposition of conditions	19.400	Subsequent modifications and additions
19.395	Application form and content	19.401	Appeal

19.390 Applicability

The following types of projects shall comply with the provisions of this division:

(a) multi-family buildings containing 3 or more dwelling units;
(b) multi-family buildings when additional units are added resulting in 3 or more dwelling units;
(c) new industrial, commercial, and institutional buildings;
(d) additions to existing industrial, commercial, and institutional buildings with a floor area exceeding 500 square feet;
(e) outdoor attractions.

19.391 Application and review procedure

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to:
(a) review applicable regulations and procedures;
(b) review applicable goals and objectives of the city's comprehensive plan and the applicable neighborhood plan(s), if any; and
(c) review the proposal.

The pre-submittal meeting may, at the discretion of the administrator and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the telephone conference, any preliminary drawings and maps shall be submitted to the administrator. A representative from the Public Works Department, Fire Department, and other city departments as appropriate may participate in this preliminary discussion.

(2) **Submittal of application**. The applicant shall submit an application to the administrator along with the application fee as may be established by the common council.

(3) **Determination of completeness**. Within 10 days of submittal, the administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(4) **Schedule date of review**. Following a determination of completeness, the administrator shall schedule a public hearing with the plan commission allowing for proper public notice.

(5) **Staff report**. The administrator may at his/her discretion prepare a written staff report as described in this division. If a staff report is prepared, a copy shall be mailed to each member of the plan commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing and provided to interested people upon request.

(6) **Public hearing**. The plan commission shall conduct a public hearing consistent with division 3.

(7) **Plan commission recommendation**. Within 10 days of the public hearing (unless the applicant consents to an extension of the review period), the plan commission shall make a decision based on the decision criteria contained in this division to (1) approve the site plan; (2) approve the site plan with conditions; or (3) deny the site plan.

(8) **Common Council decision**. Allowing for proper public notice, the Common Council shall consider the application. After considering the public comments received at the public hearing, the recommendation of the Plan Commission, and other information as appropriate, the Common Council shall make a decision based on the decision criteria contained in this division to (1) approve the site plan; (2) approve the site plan with conditions; or (3) deny the site plan.

19.392 Extension of review period

(1) **Generally**. Prior to the recommendation of the plan commission or the final decision of the common council, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information.

(2) **Extension requirements**. If an extension is granted and the application is amended, a new public hearing shall be conducted. Unless otherwise stated in writing, an extension request automatically extends the review period 30 days.

19.393 Basis of decision

The plan commission in making its decision shall, at a minimum, consider the following factors:

(a) consistency of the project with the city's comprehensive plan and neighborhood plan or other subarea plan, if any
(b) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site
(c) effects of the project on the natural environment
(d) effects of the project on surrounding properties, including operational considerations relating to hours or operation and creation of potential nuisances
(e) the overall appearance of the project
(f) If the project is a multi-family real estate development (more than 3 dwelling units), does the project meet the following standards:
    1. All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped in accordance with the project plan. Decorative design elements, such as fountains, pools, benches, sculpture, planters, exterior recreational facilities and similar elements may be permitted, providing such elements are incorporated as part of the landscaping plan; and, permanent and automatic irrigation facilities are provided in all planted landscaped area.
    2. Minimum open space is thirty (30%) percent of the net area being developed. The net area shall exclude dedicated or proposed-dedicated public rights-of-way.
    3. Common open space areas are designed and located within the project to afford use by all residents of the project. These common areas may include, bar are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.
    4. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not e located within fifteen (15) feet of any door or window of a dwelling unit.
    5. Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50%) percent of the required open space.
    6. Trash collection areas shall be provided within two hundred and fifty (250') feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of five feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

19.394 Imposition of conditions

The plan commission may impose such conditions and restrictions 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, morals, comfort, or general welfare.

19.395 Application form and content

The application submittal shall include the following:

(a) an application form as may be used by the city; and
(b) a site plan prepared at a scale of 1" = 20' or other appropriate scale and containing the information listed in appendix A.

19.396 Staff report content

At a minimum, the staff report shall contain the following information:

(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for the decision criteria listed in this division;
(c) a preliminary list of conditions if approval is recommended; and
(d) a recommendation to approve the application, approve it with conditions, or deny the application.

19.397 Content of decision

If the application is denied, the decision shall include the following:

(a) a statement that the application is denied;
(b) a description of the project, including acreage and proposed use characteristics;
(c) findings for the decision criteria;
(d) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration;
(e) a statement that the decision may be appealed to a court of competent jurisdiction; and
(f) date of the decision.

19.398 Effect of approval
If the plan commission approves the project, the approval shall run with the land and be binding on all subsequent property owners.

19.399 Expiration of approval
An approval shall expire 12 months after the date of issuance unless substantial work has commenced and continues in good faith to completion.

19.400 Subsequent modifications and additions
If during or after establishment of the project as authorized by the site plan approval, the owner proposes to expand or modify the use, buildings, and/or structures, or any other feature of the site plan, the zoning administrator shall determine if such proposed change would likely alter the finding for one or more review criteria. If the proposed change would likely alter a finding, the proposal shall be submitted to the plan commission for review as an amendment to the site plan approval. If the proposed change would likely not alter a finding, the zoning administrator shall authorize the amendment in writing and notify the plan commission of his/her decision.

19.401 Appeal
The applicant and/or 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 days of the final decision.

19.402 to 19.409 reserved

Division 8
CHANGE IN NONCONFORMING USE

Sections:

19.410	Generally	19.416	Staff report content
19.411	Application and review procedure	19.417	Content of decision
19.412	Extension of review period	19.418	Effect of approval
19.413	Basis of decision	19.419	Expiration of approval
19.414	Imposition of conditions	19.420	Appeal
19.415	Application form and content		

19.410 Generally
A nonconforming use may be changed to a different nonconforming use provided the new nonconforming use has a lesser impact on the surrounding properties and neighborhood.

19.411 Application and review procedure

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to:
(a) review applicable regulations and procedures;
(b) review applicable goals and objectives of the city's comprehensive plan and the applicable neighborhood plan(s), if any; and
(c) review the proposal.

The pre-submittal meeting may, at the discretion of the administrator and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the telephone conference, any preliminary drawings

and maps shall be submitted to the administrator. A representative from the Public Works Department, Fire Department, and other city departments as appropriate may participate in this preliminary discussion.

(2) **Submittal of application**. The applicant shall submit an application to the administrator along with the application fee as may be established by the common council.

(3) **Determination of completeness**. Within 10 days of submittal, the administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(4) **Schedule date of review**. Following a determination of completeness, the administrator shall schedule a public hearing with the board of appeals allowing for proper public notice.

(5) **Notice**. Consistent with division 2, the administrator shall provide for class I public notice, property owner notification, and agency notification.

(6) **Staff report**. The administrator shall prepare a written staff report as described in this division and mail it to each member of the board of appeals, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. The administrator shall also provide a copy to interested people upon request.

(7) **Public hearing**. The board of appeals shall conduct a public hearing consistent with division 3.

(8) **Board of appeals decision**. Within 10 days of the public hearing (unless the applicant consents to an extension of the review period), the board of appeals after considering the public comments and recommendations of the staff report shall make a decision, based on the decision criteria contained in this division, to (1) approve the change in use; (2) approve the change in use with conditions; or (3) deny the change in use.

19.412 Extension of review period

(1) **Generally**. Prior to the final decision of the board of appeals, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information.

(2) **Extension requirements**. If an extension is granted and the application is amended, a new public hearing shall be conducted. Unless otherwise stated in writing, an extension request automatically extends the review period 30 days.

19.413 Basis of decision

The board of appeal in making its decision shall, at a minimum, consider whether the new nonconforming use would be less intrusive to the surrounding properties than the existing nonconforming use.

19.414 Imposition of conditions

The board of appeals may impose such conditions and restrictions 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, morals, comfort, or general welfare.

19.415 Application form and content

The application submittal shall consist of an application form as may be used by the city.

19.416 Staff report content

At a minimum, the staff report shall contain the following information:

(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for the decision criteria listed in this division;
(c) a preliminary list of conditions if approval is recommended; and
(d) a recommendation to approve the application, approve it with conditions, or deny the application.

19.417 Content of decision

If the application is denied, the decision shall include the following:

(a) a statement that the application is denied;
(b) a description of the project, including acreage and proposed use characteristics;
(c) findings for the decision criteria;
(d) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration;
(e) a statement that the decision may be appealed to a court of competent jurisdiction; and
(f) date of the decision.

19.418 Effect of approval

If the board of appeals approves the application and the applicant makes the change in use, the applicant or another may not reestablish the prior use at anytime in the future.

19.419 Expiration of approval
An approval shall expire 6 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

19.420 Appeal
The applicant and/or 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 days of the final decision.

19.421 to 19.429 reserved

Division 9
PLANNED DEVELOPMENT DISTRICT (PDD)

Sections:

19.430	Generally	19.438	Staff report content
19.431	Application and review procedure	19.439	Effect of approval
19.432	Extension of review period	19.440	Review of actual development within an approved planned development district
19.433	Imposition of conditions	19.441	Amendment of an approved planned development district
19.434	Minimum project size	19.442	Expiration of approval
19.435	Character of land included in a planned development district	19.443	Appeal
19.436	Basis of decision		
19.437	Application form and content		

19.430 Generally
A planned development district (PDD) is a special zoning district that allows for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for the community. A PDD will be issued a "background" zoning district designation. Any ordinance restrictions not specifically exempted in the PDD agreement will be enforced per the current standards of the "background" zoning district or other controlling ordinance. Unless otherwise specified, the "background' zoning district designation for a PDD will be C-4 Commercial large scale.

19.431 Application and review procedure

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to:
   (a) review applicable regulations and procedures;
   (b) review applicable goals and objectives of the city's comprehensive plan and applicable neighborhood plan(s), if any; and
   (c) review the proposal.

   The pre-submittal meeting may, at the discretion of the administrator and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the telephone conference, any preliminary drawings and maps shall be submitted to the administrator. A representative from the Public Works Department, Fire Department, and other city departments as appropriate may also participate in this discussion.

(2) **Submittal of application**. The applicant shall submit an application to the administrator along with the application fee as may be established by the common council.

(3) **Determination of completeness**. Within 10 days, but not sooner than 2 days, of submittal, the administrator shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(4) **Schedule date of review**. Following a determination of completeness, the administrator shall schedule a public hearing with the plan commission allowing for proper public notice.

(5) **Notice**. Consistent with division 2, the administrator shall provide for class II public notice, town notice if the property is within 1,000 of a town, property owner notification, and agency notification.
(6) **Staff report**. The administrator shall prepare a written staff report as described in this division and mail it to each member of the plan commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He shall also provide a copy to interested people upon request.
(7) **Plan commission public hearing**. The plan commission shall conduct a public hearing to review the application consistent with division 3.
(8) **Plan commission recommendation**. Within 10 days of the public hearing (unless the applicant consents to an extension of the review period), the plan commission after considering the comments and recommendations of the staff report shall make a recommendation to the common council, based on the decision criteria contained in this division to (1) approve the project; (2) approve the project with conditions; or (3) deny the project.
(9) **Common council public hearing**. Allowing for proper public notice, the common council at its discretion may conduct an additional public hearing to consider the application and accept public input.
(10) **Common council decision**. Within 10 days of the plan commission's public hearing or its public hearing (unless the applicant consents in writing to an extension of the review period), the common council after considering the comments and recommendation of the plan commission and after reviewing the staff report shall make a decision, based on the decision criteria contained in this division to (1) approve the project; (2) approve the project with conditions; or (3) deny the project. The decision shall be prepared consistent with the requirements contained in this division.
(11) **Administrative steps**. If the PDD is approved, the official zoning map shall be revised accordingly and certified by the mayor and city clerk. Further, the city engineer shall keep a copy of the approved general development plan and development agreement, if any, as a permanent record.

19.432 Extension of review period
(1) **Generally**. Prior to the final decision of the common council, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information.
(2) **Procedure**. If the common council approves the extension, the plan commission will rehear the amended application with appropriate notice.
(3) **Extension requirements**. Unless otherwise stated in writing, an extension request automatically extends the review period to 30 days beyond the date when the plan commission hears the amended application.

19.433 Imposition of conditions
The plan commission may recommend and the common council may impose such conditions and restrictions as may be necessary to grant approval. Such conditions and restrictions may relate to any of the factors it considered in reaching its recommendation or decision.. In addition, the plan commission may recommend and the common council may require the provision of off-site exactions that may be necessary to approve the application.

19.434 Minimum project size
A planned development district shall include at least 5 contiguous acres of land. The common council in its discretion may authorize the submittal of an application for a district with less than 5 acres, provided the proposed district consists of 2 or more buildings or consists of 2 or more uses (e.g., residential and commercial).

19.435 Character of land included in a planned development district (PDD)
The land within a planned development district may include one parcel or multiple parcels. If the PDD contains multiple parcels, they may be owned, leased, or controlled either by a single person or by any number of persons.

19.436 Basis of decision
The plan commission in making its recommendation and the common council in making its decision shall, at a minimum, consider the following factors:
(a) consistency of the project with the city's comprehensive plan and neighborhood plan or other subarea plan, if any
(b) character and intensity of non-residential land uses in the project
(c) character and density of residential land uses in the project
(d) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site
(e) effects of the project on the natural environment
(f) effects of the project on surrounding properties, including operational considerations relating to hours or operation and creation of potential nuisances

(g) overall appearance of the project
(h) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district
(i) whether the proposed design of the buildings and other structures are compatible with the desired character of the surrounding area
(j) appropriateness of the proposed development schedule, if any, given the scope of the project
(k) adequacy of existing and planned public and private infrastructure that may be needed to support the project, including water and wastewater, storm water management, streets, and public schools

19.437 Application form and content
The application submittal shall include the following:
(a) an application form as may be used by the city;
(b) a PDD project map prepared at an appropriate scale and containing the information listed in appendix A;
(c) a preliminary draft of covenants if any are to be imposed; and
(d) if the project is to be constructed in phases, a development schedule 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.

19.438 Staff report content
At a minimum, the staff report shall contain the following information:
(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for each of the decision criteria listed in this division;
(c) a preliminary list of conditions if approval is recommended; and
(d) a recommendation to approve the application, approve it with conditions, or deny the application.

19.439 Effect of approval
If the common council approves the application, the approval shall run with the land and be binding on all subsequent property owners.

19.440 Review of actual development within an approved planned development district
Once a planned development district is approved, proposed development shall be reviewed consistent with the requirements for a site plan (division 7 of article 4).

19.441 Amendment of an approved planned development district
If a property owner with land within an approved planned development district wishes to deviate from an approved project plan or amend a supporting development agreement, the provisions described in this division shall be followed to the extent applicable.

19.442 Expiration of approval
If any area of a planned development district that can be developed consistent with a general development plan remains substantially undeveloped 3 years after the creation of the district, the zoning for such area shall revert to the zoning designation which occurred at the time the district was created or to an equivalent zoning designation. The common council may extend this approval period up to 3 additional years upon petition and with good cause.

19.443 Appeal
The applicant and/or 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 days of the final decision.

19.444 to 19.449 reserved

Division 10
CODE AMENDMENT

Sections:

19.450	Generally	19.454	Application content
19.451	Application and review procedure	19.455	Staff report content
19.452	Basis of decision	19.456	Appeal
19.453	Landowner protest to map amendment		

19.450 Generally

From time to time, it may be necessary and/or desirable to amend the text of this code and the associated zoning map.

19.451 Application and review procedure

(1) **Submittal of application**. The applicant shall submit a complete application to the zoning administrator along with the application fee as may be established by the common council.

(2) **Determination of completeness**. Within 10 days of submittal, the administrator shall determine whether the submittal is complete or incomplete and notify the applicant, in writing, of any deficiencies. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(3) **Transmittal of application to plan commission**. The administrator shall forward one copy of the application to each member of the plan commission.

(4) **Notice for single-parcel map amendment**. Consistent with division 2, the administrator shall provide for class II public notice, town notice if the property is within 1,000 of a town, property owner notification, and agency notification.

(5) **Notice for multiple-parcel map amendment**. Consistent with division 2, the administrator shall provide for class II public notice, town notice if the property is within 1,000 of a town, and agency notification.

(6) **Notice for text amendment**. Consistent with division 2, the administrator shall provide for class II public notice and agency notification.

(7) **Interdepartmental/agency review**. The administrator shall forward one copy of the application to appropriate city personnel and other local units of government that would be directly effected by the proposed amendment.

(8) **Staff report**. The administrator shall prepare a written staff report as described in this division and mail it to each member of the plan commission, the applicant, and the applicant's agent, if any, at least 3 days prior to the first public hearing. He shall also provide a copy to interested people upon request.

(9) **Plan commission public hearing**. Allowing for proper public notice, the plan commission shall conduct a public hearing consistent with division 3 to review the application, written comments received from the interdepartmental/agency review, and the staff report and to accept public comment on the application.

(10) **Plan commission recommendation**. The plan commission shall make a written recommendation to the common council to (1) deny the proposed amendment; (2) approve the proposed amendment without revision; or (3) approve the proposed amendment with revision(s) it deems appropriate. Such revision to the proposed amendment shall be limited in scope to those matters considered in the public meeting.

(11) **Common council decision**. After reviewing the application, comments received from the public, the interdepartmental/agency review, the staff report, and the plan commission's recommendation, the common council shall make a decision to (1) deny the proposed amendment; (2) approve the proposed amendment without revision; or (3) approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.

(12) **Notification of decision**. Within 5 days of the decision, the administrator shall mail the applicant, by regular U.S. mail, the original copy of the decision and notify the plan commission in writing of its decision (if it is not the applicant). If the proposed amendment is denied, the notification shall indicate the reasons for the denial.

(13) **Administrative steps**. If the zoning map is amended, the official zoning map shall be revised accordingly and certified by the mayor and city clerk.

19.452 Basis of decision

The plan commission in making its recommendation and the common council in making its decision shall consider the following factors:

(a) the amendment is consistent with and furthers the intent of the city's comprehensive plan
(b) the amendment is consistent with and furthers adopted neighborhood plans, if any
(c) the amendment is consistent with other planning documents adopted by the common council

(d) the code with the amendment is internally consistent
(e) the amendment is the least restrictive approach to address issues of public health, safety, and welfare
(f) the city has or will have the financial and staffing capability to administer and enforce the amendment

19.453 Landowner protest to map amendment

A map amendment may not become effective except upon a favorable vote of 3/4 of the council members voting on the proposed change when:

(a) those owning 20 percent or more of the land area within the proposed map amendment file a written protest;
(b) those owning 20 percent or more of the land area within 100 feet of the proposed map amendment file a written protest; or
(c) 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. (See sec. 62.23 (d)(2m), Wis. Stats.)

19.454 Application content

(1) **Landowner initiated map amendment**. An application for a land-owner initiated zoning map amendment shall include the following:
(a) an application form as may be used by the city;
(b) a project map prepared at an appropriate scale and containing the information listed in appendix A;
(c) a written description of the proposed change;
(d) a written statement outlining the reason(s) for the amendment;
(e) other supporting information the applicant deems appropriate.

(2) **Other amendments**. For all other types of amendments, the application shall include the following:
(a) a written description of the proposed change;
(b) a written statement outlining the reason(s) for the amendment;
(c) other supporting information the applicant deems appropriate.

19.455 Staff report content

At a minimum, the staff report shall contain the following information:

(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for each of the decision criteria listed in this division;
(c) revisions to the amendment that should be made if approval is recommended;
(d) a recommendation to approve the amendment, approve the amendment with revision, or deny the amendment.

19.456 Appeal

The applicant and/or 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 days of the final decision.

19.457 to 19.469 reserved

Division 11
EXTENSION OF APPROVAL PERIOD

Sections:

19.470	Generally	19.473	Content of request
19.471	Application and review procedure	19.474	Limitation on extensions
19.472	Basis of decision	19.475	Appeal

19.470 Generally
For each type of approval granted pursuant to this article, there is a time period for which the approval is valid. If the requisite actions as herein defined have not been taken prior expiration of the approval period, the holder of the approval may submit a request to extend the approval period.

19.471 Application and review procedure
(1) **Submittal of request**. At least 21 days prior to the expiration of the approval, the applicant shall submit a written request to the zoning administrator along with the application fee as may be established by the common council.
(2) **Administrative review and recommendation**. The zoning administrator shall make a recommendation to the common council to approve, approve with conditions, or deny the request based on the decision criteria as described in this division.
(3) **Common council decision**. Allowing for proper public notice, the common council shall consider the application along with the staff report and shall approve or deny the request based on the decision criteria as described in this article. The decision shall be in writing and shall state the reason(s) for the decision.
(4) **Notification of decision**. The city clerk shall mail the common council's decision to the permit holder.

19.472 Basis of decision
In reviewing the request, the zoning administrator and common council shall consider the reasons why the requisite actions needed to secure the permit were not taken.

19.473 Content of request
The extension request shall be in writing and included the following information:
(a) date of the original approval;
(b) reasons for the request;
(c) length of extension requested;
(d) a description of work completed under the approval and what works has yet to be completed.

19.474 Limitations on extensions
The common council shall not extend the approval period for more than one calendar year beyond the initial approval period.

19.475 Appeal
The applicant and/or 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 days of the final decision.

19.476 to 19.489 reserved

Division 12
VARIANCE

Sections:

19.490	Legislative findings	19.495	Application form and content
19.491	Application and review procedure	19.496	Staff report content
19.492	Basis of decision	19.497	Effect of approval
19.493	Limitations on issuing a variance	19.489	Expiration of approval
19.494	Imposition of conditions	19.499	Appeal

19.490 Legislative findings

The common council makes the following findings:

(a) There may be instances where certain requirements of this code that if enforced would cause unnecessary hardship to individual landowners.

(b) Minor deviations from this code may help to alleviate those unnecessary hardships without circumventing or undermining the intent of this code.

19.491 Application and review procedure

(1) **Submittal of application**. The applicant shall submit a completed application to the zoning administrator along with the application fee as may be established by the common council.

(2) **Determination of completeness**. Within 10 days of submittal, the administrator shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The administrator shall take no further steps to process the application until the deficiencies are remedied.

(3) **Notice**. Consistent with division 2, the administrator shall provide for class I public notice, property owner notification, and agency notification.

(4) **Staff report**. The administrator shall prepare a written staff report as described in this division and mail it to each member of the board of appeals, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He shall also provide a copy to interested people upon request.

(5) **Public hearing**. Allowing for proper notice, the board of appeals shall hold a public hearing consistent with division 3.

(6) **Decision**. The board of appeals shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.

(7) **Applicant notification**. Within 5 days following the decision, the administrator shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.

(8) **Additional procedural steps**. If the board grants the variance, the applicant shall then follow other review procedures as may be required.

19.492 Basis of decision

(1) **Dimensional variance**. When making its decision regarding a dimensional variance, the board of appeals shall consider the following factors:

(a) whether the variance would be contrary to the public interest

(b) whether a literal enforcement would result in unnecessary hardship, owing to conditions unique to the property

(c) whether the spirit of this code would be observed and substantial justice done if a variance is granted

(2) **Use variance**. When making its decision regarding a use variance, the board of appeals shall consider the following factors:

(a) whether the variance would be contrary to the public interest

(b) whether a literal enforcement would not allow the property to be used for a reasonable use given its size, configuration, and other property characteristics

(c) whether the spirit of this code would be observed and substantial justice done if a variance is granted

19.493 Limitations on issuing a variance

(1) **Dimensional variance**. The following actions shall not be allowed by a dimensional variance:

(a) expansion of a nonconforming use; or
(b) modification to lot or other requirements so as to increase the permitted density or intensity of use.

(2) **Use variance**. In issuing a use variance, the variance so granted shall only allow a use that is consistent with the uses of surrounding properties.

19.494 Imposition of conditions
In approving a variance, the board of appeals may impose such conditions and restriction as may be necessary to grant approval.

19.495 Application form and content
The application submittal shall include the following:
(a) an application form as may be used by the city;
(b) a project map prepared at an appropriate scale and containing the information listed in appendix A; and
(c) a list of other variances, requested or granted, that have been issued to the subject property.

19.496 Staff report content
At a minimum, the staff report shall contain the following information:
(a) a summary of the comments received from the interdepartmental/agency review;
(b) findings for each of the decision criteria listed in this division;
(c) a preliminary list of conditions if approval is recommended; and
(d) a recommendation to approve the application, approve it with conditions, or deny the application.

19.497 Effect of approval
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.

19.498 Expiration of approval
The variance shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

19.499 Appeal
The applicant and/or 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 days of the final decision. (See sec. 62.23 (7)(10), Wis. Stats.)

19.500 to 19.509 reserved

Division 13
ADMINISTRATIVE APPEAL

Sections:

19.510	Generally	19.513	Effect of appeal
19.511	Application and review procedure	19.514	Appeal
19.512	Basis of decision		

19.510 Generally
Any person aggrieved by a final decision of the zoning administrator may file an appeal with the board of appeals consistent with this part.

19.511 Application and review procedure
(1) **Submittal of appeal**. The applicant shall submit a written appeal to the city clerk within 2 months of the date of the decision being appealed.
(2) **Notification of appeal**. The city clerk shall provide a copy of the appeal to the board of appeals and the zoning administrator.
(3) **Supplemental notification**. If the appeal involves a listed property, as defined in sec. 44.31 (4) Wis. Stats., the clerk shall provide a copy of the appeal to the plan commission or the landmarks commission, as appropriate, for review and comment. (See sec. 62.23 (7)(e)(6), Wis. Stats.)

(4) **Compilation and submittal of record**. The administrator shall compile a complete and accurate record relating to action being appealed and transmit it to the board.
(5) **Public hearing**. Allowing for proper public notice and notice to the parties in interest, the board shall conduct a public hearing consistent with division 3 to hear the appeal and consider the written record and testimony as may be provided.
(6) **Decision**. Within 45 days of the public hearing, the board shall decide to affirm the administrative decision, set aside the decision, or modify the decision.
(7) **Notification of decision**. The board shall, in writing, notify the applicant, administrator, plan commission, and common council of its final decision.

19.512 Basis of decision
The board of appeals shall determine if the zoning administrator made an error in judgment as applied to the instance being appealed. If the appeal involves a listed property, as defined in sec. 44.31 (4) Wis. Stats., the board shall consider the recommendation of the plan commission and/or the landmarks commission. (See sec. 62.23 (7)(e)(6), Wis. Stats.)

19.513 Effect of appeal
An appeal shall stay all legal proceedings in furtherance of the action from which appeal is made, unless the zoning administrator certifies to the board of appeals that by reason of facts stated in the certificate 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 board or by a court of record on application, with notice to the officer from whom appeal is made, and on due cause shown. (See sec. 62.23 (7)(e)(5), Wis. Stats.)

19.514 Appeal
The applicant and/or 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 days of the final decision. (See sec. 62.23 (7)(10), Wis. Stats.)

19.515 to 19.529 reserved

Division 14
CODE INTERPRETATION

Sections:

19.530	Responsibility for interpretation	19.533	Basis of decision
19.531	Limitations on interpretations	19.534	Effect of interpretation
19.532	Application and review procedure	19.535	Appeal

19.530 Responsibility for interpretation
In the event a question arises concerning any provision or the application of any provision of this code, the zoning administrator shall be responsible for rendering a written interpretation.

19.531 Limitations on interpretations
The responsibility for interpretation shall not be construed as overriding the responsibilities specifically given to any commission, board, or official named in other parts of this code.

19.532 Application and review procedure
(1) **Submittal of question**. The individual requesting the interpretation shall submit the question in writing to the zoning administrator.
(2) **Decision**. In consultation with the city attorney, the administrator shall make a written decision within 15 days of receiving the request.
(3) **Notification of decision**. The administrator shall send a copy of the interpretation to the individual requesting the interpretation and to any board, commission, employee, and official involved in the administration of this code, as appropriate.
(4) **Permanent record**. The administrator shall keep a written record of all interpretations and make them available for public inspection.

19.533 Basis of decision

In consultation with the city attorney and others as appropriate, the zoning administrator shall evaluate the provision(s) in question; consider the overall intent of the code; review the findings and purpose statements as appropriate; and review other applicable interpretations that have been made and make a decision giving the code its most reasonable application. If the code is unclear to the extent a reasonable interpretation can not be made, the administrator shall make such a determination and notify the plan commission and common council.

19.534 Effect of interpretation
An interpretation once rendered shall have full effect as if set forth in this code. Where appropriate, interpretations should be addressed through the amendment process.

19.535 Appeal
The applicant and/or an aggrieved person may, without time constraint, appeal an interpretation made pursuant to this division by filing an appeal with the board of appeals.

19.536 to 19.539 reserved

Division 15
ENFORCEMENT

Sections:

19.540	Legislative findings	19.544	Notice of violation
19.541	Authority for enforcement	19.546	Special provisions related to regulated land uses in the wellhead protection overlay district
19.542	Actions constituting violation		
19.543	Enforcement procedure		
19.545	Stop work order	19.547	Other remedies
		19.548	Penalties

19.540 Legislative findings
The common council makes the following findings:
(a) State law gives the city certain authority to ensure compliance with this code.
(b) The city reserves all rights and remedies provided by state and federal law to ensure compliance.

19.541 Authority for enforcement
According to sec. 62.23 (7)(f), Wis. Stats., the city has the authority to enforce the provisions of this code.

19.542 Actions constituting a violation
Each separate action that is not in full compliance with this code or with the conditions of an issued permit or similar approval shall constitute a separate and distinct violation.

19.543 Enforcement procedure
(1) **Investigation**. After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if in fact a violation does exist.
(2) **Notification of compliance**. If the administrator determines that a violation does not exist, he shall notify the complainant explaining the finding.
(3) **Notification of violation**. If the administrator determines that a violation does exist, the zoning administrator, in consultation with the city attorney, shall send a written notice as described herein to the property owner.
(4) **Issuance of stop work order**. If the violation involves construction or any land development activity and continues after the date established in the notice, the zoning administrator shall:
(a) send a stop work order, as described in this part, by certified mail to the property owner or deliver it in person to the property owner, contractor, builder, or any other person engaged in work covered by the order; and
(b) post a stop work order in a prominent location on the site.
(5) **Lifting of stop work order**. Upon substantial evidence that the violation has been removed or otherwise corrected, the administrator shall lift the stop work order.

(6) **Initiation of court action**. If work does not immediately cease on the premises, except to ensure compliance, or if the violation is not remedied within 30 days of the stop work order, the administrator shall work with the city attorney to initiate court action as provided by in this part and as allowed by state law.

19.544 Notice of violation

(1) **Content**. The notice of violation shall include the following:
- (a) a description of the violation;
- (b) the section(s) of the code being violated;
- (c) a statement describing the measures that would remedy the violation;
- (d) the date by which the violation must be remedied and when a stop work order shall be issued if the violation is not remedied; and
- (e) information concerning penalties for continued non-compliance.

(2) **Effect of violation notice**. Once a violation notice has been issued pursuant to this part:
- (a) All construction or any land development activity directly related to the violation, except that which is done to ensure compliance, shall cease. All other work that is in compliance may continue.
- (b) The city may not issue any other permits or approvals for any development on the premises that is directly related to the violation.

19.545 Stop work order

(1) **Content**. The stop work order shall include the following:
- (a) a description of the violation;
- (b) the section(s) of the code being violated;
- (c) a statement describing the measures that would remedy the violation;
- (d) a statement that all work on the premises must cease immediately, until the zoning administrator rescinds the stop work order; and
- (e) information concerning penalties for continued non-compliance.

(2) **Effect of stop work order**. Once a stop work order has been issued pursuant to this part:
- (a) all work on the premises shall cease until such time as it is lifted; and
- (b) the city may not issue any other permits or approvals for any development on the premises until such time as the order has been lifted.

19.546 Special provisions related to regulated land uses in the wellhead protection overlay district

(1) **Inspections**. Subject to applicable provisions of law, the city building inspector, city engineer, city planner, or other authorized agent of the city shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of the wellhead protection overlay district. Upon request of the entity which is the subject of the inspection, and if permitted by the state public records requirements, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above stated purposes, the city may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(2) **Cleanup costs**. As a substitute for, and in addition to any other action, the city may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a wellhead protection overlay district shall immediately cease such discharge and immediately initiate clean up satisfactory to the city and the other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review, and documentation, including wages for city employees, equipment, and mileage.

19.547 Other remedies

The city or any aggrieved person may apply to a court of competent jurisdiction for temporary and/or permanent injunctive relief to enjoin and restrain any person violating a provision of this code and exercise all other rights and remedies provided by law or in equity.

19.548 Penalties

Any person who violates this code shall deemed guilty of a misdemeanor, and upon conviction forfeit not less than $10 or more than $500 per violation along with the costs of prosecution, imprisonment in the county jail for not more than 6 months, or both. Each and every day the violation continues shall constitute a separate offense. (See sec. 62.23 (8), Wis. Stats.)

19.549 to 19.599 reserved

Article 5
LAND USE

Divisions:

1. General provisions
2. Zoning districts and zoning map
3. Allowable uses
4. Lot area and dimensional standards
5. General standards
6. Special standards for principal uses
7. Special standards for accessory uses
8. Special standards for temporary use
9. Wisconsin River shoreland buffer overlay district
10. Wellhead protection overlay district

Division 1
GENERAL PROVISIONS

Sections:

19.600	Legislative findings	
19.601	Purpose	

19.600 Legislative findings

The common council makes the following findings:

(a) The use of land in the city has a direct bearing on the public health, safety, and welfare.
(b) Standards are needed to ensure that new development is done in a coordinated manner.
(c) The provisions contained in this article are adopted consistent with the provisions of state statutes.
(d) Each parcel in the city is intended to have a zoning designation.

19.601 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(a) promote a sound development pattern by separating the city into various districts where each has uniformly applicable development standards;
(b) separate incompatible land uses to the greatest extent possible;
(c) encourage the most appropriate use of land throughout the city;
(d) regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land;
(e) provide for a variety of housing options;
(f) allow different, but compatible land uses (i.e., mixed uses) to occur in specified areas of the city;
(g) avoid, or as a less preferred alternate, minimize congestion; and
(h) avoid, or as a less preferred alternate, minimize environmental degradation.

19.602 to 19.609 reserved

Division 2
ZONING DISTRICTS AND ZONING MAP

Sections:

19.610	Types of zoning districts	19.612	Official zoning map
19.611	Necessity of district designation	19.613	Establishment and purpose of districts

19.610 Types of zoning districts

The city is divided into a number of base zoning districts so that each parcel is located in at least one district and potentially more. For each of these districts, appropriate types of uses are identified along with development standards when applicable. In addition to these zoning districts, overlay districts are established to accomplish specific purposes not generally applicable to the entire base district. Where the requirements of a base district and overlay district conflict, the most restrictive applies. The zoning map depicts the location of the base districts used in this chapter along with some of the overlay districts.

19.611 Necessity of district designation

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

19.612 Official zoning map

(1) **Availability**. An official copy of the zoning map shall be on file in the city clerk's office and available for public inspection upon request.

(2) **Title**. The official zoning map shall bear the title "Official Zoning Map - City of Wisconsin Dells, Wisconsin".

(3) **Certification**. The official zoning map shall be identified by the signature of the mayor attested by the city clerk.

(4) **Preparation of a new official zoning map**. In the event the official zoning map is damaged, lost, or destroyed and after each amendment to the official zoning map, the zoning administrator shall prepare a new official zoning map and submit it to the city clerk for certification.

(5) **History of amendment**. After the effective date of this article, the official zoning map shall contain a descriptive history of each amendment that has been made, indicating the ordinance number and date of action.

(6) **Archive of superseded zoning maps**. Beginning May 21, 2007, the zoning administrator shall keep a copy of each superseded zoning map in a permanent archive for historical reference.

(7) **Amendment**. The amendment procedures in article 4 shall be used to amend the zoning map.

19.613 Establishment and purpose of districts

(1) **Base districts**. Areas of the city serve unique functions. The narrative below describes each of the districts. Some of the districts may share similar characteristics, but they possess one or more unique qualities that allow a distinction to be drawn among them. Although an area may not now possess each of the attributes in these descriptions, it is intended that as 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 development limitations that may be present, including steep slopes, floodplains, wetlands, riparian areas, and other environmentally sensitive areas. The city is divided into the following base districts:

(a) **A-1 Limited agriculture**. This district is intended to accommodate most types of agricultural activities, with the exception of raising livestock. Single-family residences may be allowed when related to the agricultural uses allowed in the district.

(b) **A-2 Agriculture**. This district is intended to accommodate the full range of agricultural activities including the raising of livestock.

(c) **D-1 Conservancy**. This district is intended to protect the environmental features contained within the district boundaries. Allowable uses relate to resource protection and management. Non-residential buildings may be permitted provided they are necessary for allowable uses.

(d) **R-1 Residential – single-family**. This district is intended to accommodate medium-density, single-family residential uses. Two-family units are allowed only on those lots specifically created through the land division process for those uses. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Parks, trails, and similar public facilities are also allowed in this district.

(e) **R-2 Residential – single-family & duplex**. This district is intended to accommodate both single-family and duplex units. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Parks, trails, and similar public facilities are also allowed.

(f) **R-3 Residential – mixed**. This district contains a mix of housing types including single-family, two-family, and multi-family dwellings. New projects developing under this classification must be at least 5 acres in size and include a mix of housing types. Parks, trails, and similar public facilities are also allowed.

(g) **R-5 Residential – multi-family**. This district is intended to exclusively accommodate multi-family units not exceeding two stories.

(h) **R-9 Mobile home park**. This district is for the exclusive use and development of mobile home parks.

(i) **C-1 Neighborhood commercial**. This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the immediate area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.

(j) **C-2 Downtown commercial**. This district is primarily intended to accommodate and create a high level of employment and business activity. This district hosts businesses that primarily cater to tourists and to a lesser extent businesses that serve the needs of city residents. Retail operations and specialty stores are common along with indoor attractions. General retail, professional services, and offices are permissible but less common. Sidewalk cafes are common during the warmer months of the year. There is a balanced mix of one and two-story buildings. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. 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.

(k) **C-3 Highway commercial**. This district is intended to accommodate high traffic commercial activities that focus on vehicle traffic along major road corridors.

(l) **C-4 Large-scale commercial**. This district is intended to host indoor and outdoor tourist attractions, lodging, and businesses that cater to tourists.

(m) **M-1 Mixed use**. This district is intended to accommodate a wide range of complimentary commercial and residential uses.

(n) **I-1 Industrial**. This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations. Processing of raw materials is not permitted except as a conditional use.

(o) **PDD Planned development**. Planned development districts are a special type of zoning district and are initially proposed by a developer to account for a desired mix of uses. 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-1, PDD-2, etc.).

(2) **Overlay districts**. In addition to the base districts enumerated above, the city is also divided into the following overlay districts to account for unique conditions or requirements as further described in subsequent chapters:

(a) **Floodplain overlay districts**. The floodplain overlay districts are based on flood studies conducted in the city and on approved floodplain maps. Each of the districts has unique development standards based on flooding characteristics. The provisions relating to these overlay districts are contained in chapter 20 of the municipal code.

(b) **Shoreland-wetland overlay district**. The provisions relating to this district are contained in chapter 26 of the municipal code.

(c) **Wisconsin River shoreland buffer overlay district**. The provisions relating to this district are contained in division 9 of this article.

(d) **Wellhead protection overlay district**. To protect the water quality of public water supplies within the city, standards are included to control land uses that have a potential to contaminate wellfields. The provisions relating to this overlay district are contained in division 10 of this article.

(e) **County shoreland zoning overlay district**. For those parcels annexed into the city after May 7, 1982, there is an overlay district that extends from the ordinary high-water mark of navigable rivers inland for a distance of 300 feet. Pursuant to state law, building placement, minimum lot size, minimum lot width, and vegetation management along the navigable waters are governed by the county's shoreland zoning requirements.

19.614 to 19.629 reserved

Division 3
ALLOWABLE USES

Sections:

19.630	Allowable uses within zoning districts	19.635	Certain land uses shown as permitted may be a conditional use
19.631	Similarity of uses	19.636	Special provisions for community and other living arrangements
19.632	Uses not listed	19.637	Special provisions for specified foster homes and treatment foster homes
19.633	Project classified in more than one land use category		
19.634	Relationship of a principal use to an accessory use		

19.630 Allowable uses within zoning districts

For the purposes of this article, land uses are categorized as principal, accessory, and temporary. The land uses that are allowable in one or more district are defined in article 2. Exhibit 5-1 through 5-3 lists the uses as allowed in one or more base zoning districts. The coding system, as described below, is used to identify the appropriateness of the land uses in each of the various base districts and the type of review if allowed.

"P" indicates that the use is permitted in the district by right, provided that all other provisions of this code are met. These uses do not undergo public review, but are reviewed at the administrative level to ensure compliance.
"-" indicates that the use is not permitted in the district.
"C" indicates that the use is permitted in the district as a conditional use.

Land uses that are permitted in a planned development district are enumerated in the general development plan for the district.

19.631 Similarity of uses

Because the list of uses cannot include every conceivable type of activity, those uses that are listed shall be interpreted to include other uses that are of a similar nature and have similar impacts to the listed use.

19.632 Uses not listed

Those uses not listed and which cannot be interpreted to be similar to any listed use as provided for above are prohibited.

19.633 Project classified in more than one land use category

If a proposed project includes both an allowable use(s) and a prohibited use(s), the prohibited portion of the project may not occur in the district.

19.634 Relationship of a principal use to an accessory use

Before an accessory use may be established, the premises shall host a principal use.

19.635 Certain land uses shown as permitted may be a conditional use

Any commercial or industrial land use that is shown as permitted in exhibits 5-1, 5-2, or 5-3 that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

19.636 Special provisions for community and other living arrangements

(1) **Limitations**. Under state law, the city may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or 1 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 an aldermanic district reaches 25 or 1 percent of the district's population, whichever is greater, the common council may prohibit additional community living arrangements from being located in the district. 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 sec. 48.62, Wis. Stats., or an adult family home certified under sec. 50.032 (lm)(b), Wis. Stats., are exempt from this provision. (See sec. 62.23 (7)(i)(2), Wis. Stats.)

(2) **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 sec. 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the common council may make a determination pursuant to sec. 62.23 (7)(i)(9m and 10), 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. (See sec. 62.23 (7)(i)(9), Wis. Stats.)

19.637 Special provisions for specified foster homes and treatment foster homes

Foster homes which are owned, operated, or contracted for by the state, or a county department, are not subject to this article (See 63 Atty. Gen. 34). All other foster homes and treatment foster homes shall comply with this article.

Exhibit 5-1. Principal uses by district

		A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
1.0	**Agriculture**															
1.1	Agriculture – horticulture	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
1.2	Agriculture - livestock	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
1.3	Greenhouse	P	P	-	-	-	-	-	-	P	P	P	P	C	P	
2.0	**Resource-Based Uses**															
2.1	Aggregate extraction operation	C	C	-	-	-	-	-	-	-	-	-	-	-	C	
2.2	Forest management	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
2.3	Game farm	P	P	-	-	-	-	-	-	-	-	-	-	-	-	
2.4	Hunting and fishing preserve	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
3.0	**Residential**															
3.1	Mobile home park	-	-	-	-	-	-	-	P	-	-	-	-	-	-	19.700
3.2	Residence, single-family detached	P	P	-	P	P	P	-	-	P	C	-	-	C	-	19.701
3.3	Residence, two-family	-	-	-	P[2]	P	P	-	-	P	-	-	-	C	-	19.702
3.4	Residence, multi-family	-	-	-	-	-	C	C	-	C	-	-	C	C	-	19.703
3.5	Residence, townhouse	-	-	-	-	-	P	P	-	P	-	-	-	P	-	19.704
4.0	**Special Care Facilities**															
4.1	Adult family home	-	-	-	-	P	P	P	P	-	-	-	-	P	-	19.705
4.2	Community living arrangement, type I [3]	-	-	-	-	P	P	P	P	-	-	-	-	P	-	19.706
4.2	Community living arrangement, type II [3]	-	-	-	-	C	C	C	C	-	-	-	-	C	-	19.706
4.2	Community living arrangement, type III [3]	-	-	-	-	C	C	C	C	-	-	-	-	C	-	19.706
4.3	Emergency shelter	-	-	-	-	-	C	-	-	C	-	C	C	C	-	
4.4	Foster home and treatment foster home [4]	-	-	-	C	C	C	C	C	-	-	-	-	C	-	19.707
4.5	Group day care center	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
4.6	Nursing home	-	-	-	-	-	C	C	-	C	-	-	-	C	-	
4.7	Retirement home	-	-	-	-	-	-	P	-	-	-	-	-	C	-	
5.0	**Group Accommodations[1]**															
5.1	Campground	-	-	-	-	-	-	-	-	-	-	P	P	-	-	19.708
5.2	Group camp	C	C	-	-	-	-	-	-	-	-	-	-	-	-	19.709
5.3	Seasonal Workforce Housing facilities	-	-	-	C	C	C	P	C	C	C	C	C	C	-	19.710
5.4	Managed condominium project	-	-	-	-	-	-	C	-	C	C	C	C	C	-	
5.5	Overnight lodging	-	-	-	-	-	-	-	-	C	C	C	C	C	-	
5.6	Resort	C	C	-	-	-	-	-	-	-	C	C	C	C	-	
5.7	Timeshare project	-	-	-	-	-	-	-	-	C	C	C	C	C	-	
6.0	**Food and Beverage Sales**															
6.1	Micro-brewery	-	-	-	-	-	-	-	-	C	P	P	P	C	-	
6.2	Restaurant	-	-	-	-	-	-	-	-	C	P	P	P	C	-	
6.3	Tavern	-	-	-	-	-	-	-	-	C	P	P	P	C	-	19.711
7.0	**General Sales**															
7.1	Agriculture sales	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
7.2	Auction sales	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
7.3	Construction materials sales	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
7.4	Convenience sales	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
7.5	General sales	-	-	-	-	-	-	-	-	-	P	P	P	P	-	
7.6	Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
7.7	Off-site liquor sales	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
7.8	Secondhand sales	-	-	-	-	-	-	-	-	-	-	P	-	-	C	
7.9	Shopping center	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
7.10	Specialty sales	-	-	-	-	-	-	-	-	P	P	P	P	P	C	

[1] Editor's note: A bed and breakfast is considered an accessory use and is therefore listed in Exhibit 5-2.

Table continues on next page

5-1. Principal uses by district - continued

8.0	General Services	A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
8.1	Administrative services	-	-	-	-	-	-	-	-	C	P	P	P	P	-	
8.2	Body-piercing establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.712
8.3	Commercial kennel	-	-	-	-	-	-	-	-	-	-	C	-	-	C	19.713
8.4	Financial services	-	-	-	-	-	-	-	-	P	P	P	-	P	-	
8.5	Funeral home	-	-	-	-	-	-	-	-	C	-	P	-	C	-	
8.6	General services	-	-	-	-	-	-	-	-	C	P	P	C	P	-	
8.7	Professional services	-	-	-	-	-	-	-	-	C	P	P	-	P	-	
8.8	Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.714
8.9	Tattoo establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.715
8.10	Veterinary clinic, large animal	C	C	-	-	-	-	-	-	-	-	P	-	-	P	19.716
8.10	Veterinary clinic, small animal	C	C	-	-	-	-	-	-	C	-	P	-	C	P	19.717
8.11	Skilled trade services	-	-	-	-	-	-	-	-	C	-	C	-	C	P	
9.0	**Rental and General Repair**															
9.1	General repair	-	-	-	-	-	-	-	-	C	-	P	-	-	P	
9.2	Large equipment rental	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
9.3	Small equipment rental	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
10.0	**Vehicle Trade and Service**															
10.1	Specialty vehicle sales and rental	-	-	-	-	-	-	-	-	-	-	P	-	-	P	
10.2	Vehicle fuel sales	-	-	-	-	-	-	-	-	C	C	P	C	C	-	
10.3	Vehicle repair	-	-	-	-	-	-	-	-	-	C	P	C	-	P	19.718
10.4	Vehicle sales and rental	-	-	-	-	-	-	-	-	-	-	P	C	-	C	19.719
10.5	Vehicle services	-	-	-	-	-	-	-	-	C	C	P	-	C	-	
11.0	**General Storage**															
11.1	Agricultural commodity storage facility	P	P	-	-	-	-	-	-	-	-	-	-	-	P	
11.2	Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	C	
11.3	Mini-storage facility	-	-	-	-	-	-	-	-	-	-	C	-	-	P	19.720
11.4	Truck terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
11.5	Warehouse	-	-	-	-	-	-	-	-	-	-	-	C	-	P	
12.0	***Recreation / Sports / Entertainment***															
12.1	Amusement ride	-	-	-	-	-	-	-	-	-	-	-	P	-	-	19.721
12.2	Animal menagerie	-	-	-	-	-	-	-	-	-	-	C	C	-	-	19.722
12.3	Casino	-	-	-	-	-	-	-	-	-	C	P	P	-	-	
12.4	Indoor entertainment	-	-	-	-	-	-	-	-	-	P	P	P	C	C	
12.5	Indoor recreation	-	-	-	-	-	-	-	-	C	P	P	P	C	-	
12.6	Golf course / driving range	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
12.7	Miniature golf	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
12.8	Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	C	C	-	C	
12.9	Park	P	P	P	C	C	C	C	C	C	C	C	C	C	C	
12.10	Recreational trail	P	P	P	C	C	C	C	C	C	C	C	C	C	C	
12.11	Sports/fitness	-	-	-	-	-	-	-	-	C	P	P	P	P	-	
13.0	**Community Services / Uses**															
13.1	Administrative governmental center	-	-	-	C	C	C	C	-	C	P	-	-	C	-	
13.2	Animal shelter	C	C	-	-	-	-	-	-	-	-	-	C	-	C	19.723
13.3	Cemetery	P	P	-	P	P	P	P	-	-	-	P	C	-	-	19.724
13.4	Civic use facility	-	-	-	-	-	-	-	-	-	P	P	P	C	-	
13.5	Community center	-	-	-	C	C	C	C	-	C	P	P	-	P	-	
13.6	Community cultural facility	-	-	-	C	C	C	C	-	C	P	P	-	P	-	
13.7	Community garden	P	P	-	C	C	C	C	C	-	-	C	-	P	-	
13.8	Public safety facility	-	-	-	-	-	-	-	-	C	P	P	P	C	-	
13.9	Worship facility	-	-	-	C	C	C	C	-	C	P	P	P	C	-	

5-1. Principal uses by district - continued

		A-1	A-2	D-1 [1]	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
14.0	**Health Care**															
14.1	Health care office	-	-	-	-	-	-	-	-	C	P	P	-	P	-	
14.2	Health care center	-	-	-	-	-	-	-	-	-	-	P	-	C	-	
15.0	**Education**															
15.1	Commercial education facility	-	-	-	-	-	-	-	-	-	C	P	-	C	-	
15.2	Educational facility (K-12)	-	-	-	C	C	C	C	-	C	-	P	-	C	-	
15.3	Educational facility (higher education)	-	-	-	-	-	-	-	-	-	-	P	-	C	-	
15.4	Instructional facility	-	-	-	-	-	-	-	-	C	P	P	C	C	-	
16.0	**Solid Waste Management**															
16.1	Composting facility	P	P	-	-	-	-	-	-	-	-	-	-	-	C	19.725
16.2	Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.726
16.3	Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.727
17.0	**Telecommunications and Utilities**															
17.1	Concealed telecommunications antennae	P	P	-	-	-	-	-	-	P	P	P	P	P	P	19.728
17.2	Unconcealed telecommunications antennae	C	C	-	-	-	-	-	-	-	-	-	-	-	C	19.728
17.3	Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
18.0	***Transportation***															
18.1	Bus/rail transit terminal	-	-	-	-	-	-	-	-	-	P	P	P	C	-	
18.2	Marina	C	C	-	-	-	-	-	-	C	C	C	C	C	C	
18.3	Parking lot, off-site	-	-	-	-	-	-	-	-	C	C	C	C	C	C	
18.4	Parking structure	-	-	-	-	-	-	-	-	-	C	C	C	C	-	
18.5	Railroad line	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
18.6	Street	P	P	-	P	P	P	P	P	P	P	P	P	P	P	
18.7	Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	
19.0	***Industrial***															
19.1	Artisan shop	-	-	-	-	-	-	-	-	P	P	P	P	C	P	
19.2	Contractor yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	19.729
19.3	Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	C	
19.4	Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	P	

Key to table:

- \- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted provided the standards are met, if any

Notes:

1. Non-residential buildings and structures may be allowed in this district through the conditional use process when used in conjunction with a permitted use.
2. In this district, one two-family residence is permitted, subject to site plan approval, on those lots denoted for such use on the face of final subdivision plat or certified survey map as approved by the common council after May 21, 2007.
3. Refer to Section 19.636 for special provisions that may apply
4. Refer to Section 19.637 for special provisions that may apply
5. This use is limited to lands East of Church Street.

Exhibit 5-2. Accessory uses by district

20.0	*Accessory Use*	A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
20.1	*Adult family home*	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.800
20.2	*Amateur radio station*	-	-	-	P	P	P	P	P	-	-	-	-	P	-	19.801
20.3	ATM, exterior	-	-	-	-	-	-	-	-	C	P	P	P	C	-	19.802
20.3	ATM, interior	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
20.4	Bed and breakfast	-	-	-	C	C	C	-	-	C	-	-	-	C	-	19.803
20.5	Boat dock	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
20.6	Drive-up service window	-	-	-	-	-	-	-	-	-	C	C	C	C	C	19.804
20.625	Exterior Activity Area	P	P	-	C	C	C	C	C	P	P	P	P	C	P	19.8045
20.7	Family day care home	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.805
20.8	Fence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.806
20.9	Foster home and treatment foster home	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.807
20.10	Garage, nonresidential	P	P	-	-	-	-	-	-	C	C	C	C	C	C	19.808
20.11	Garage, residential	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.809
20.12	Home occupation	-	-	-	C	C	C	-	-	C	-	-	-	C	-	19.810
20.13	LRG Scale Private outdoor food & bev. service	-	-	-	-	-	-	-	-	C	C	C	C	C	-	19.811A
20.135	SM Scale Private outdoor food & bev. service	-	-	-	-	-	-	-	-	C	P	P	P	C	-	19.811B
20.14	Outdoor display incidental to indoor sales	-	-	-	-	-	-	-	-	-	P	P	P	C	-	19.812
20.15	Outdoor furnace	P	P	C	C	C	C	-	-	C	-	C	C	-	C	19.813
20.16	Parking lot, on-site	P	P	C	-	-	P	P	P	P	P	P	P	P	P	
20.17	Play structure (residential)	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.814
20.18	Private kennel	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.815
20.19	Private stable	P	P	-	-	-	-	-	-	-	-	-	-	-	-	19.816
20.20	Roadside produce stand	P	P	-	-	-	-	-	-	-	-	-	-	-	-	19.817
20.21	Standby electrical power generator	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.818
20.22	Storage container	-	-	-	-	-	-	-	-	-	-	C	C	-	P	19.819
20.23	Swimming pool (residential)	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.820
20.24	Upper-floor residential	-	-	-	-	-	-	-	-	-	C	-	-	C	-	
20.25	Walk-up service window	-	-	-	-	-	-	-	-	-	C	C	C	C	-	19.821
20.26	Wharf	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
20.27	Wind energy system	P	P	C	C	C	C	C	C	C	C	C	C	C	C	19.822
20.28	Yard shed (residential)	P	P	-	P	P	P	P	P	P				P		19.823
20.29	Industrial District Retail	-	-	-	-	-	-	-	-	-	-	-	-	-	C	19.825
20.30	Short Term Rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.826

Key to table:

- The use is not permitted in the district

P The use is permitted provided the standards are met, if any

C The use is allowed through the conditional use process

Exhibit 5-3. Temporary uses by district

21.0	Temporary Use	A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
21.1	Circus	-	-	-	-	-	-	-	-	-	P	P	P	-	-	19.901
21.2	Farmers' market	C	C	-	-	-	-	-	-	P	C	C	C	C	-	
21.3	Itinerant sales	-	-	-	-	-	-	-	-	C	C	C	C	-	-	19.902
21.4	On-site construction office	-	-	-	-	-	C	C	-	-	C	C	C	C	-	19.903
21.5	On-site real estate sales office	-	-	-	C	C	C	C	-	-	-	-	-	C	-	19.904
21.6	Outdoor vendor	-	-	-	-	-	-	-	-	-	C	C	C	C	-	19.905
21.7	Seasonal product sales	P	P	-	-	-	-	-	-	C	-	P	P	C	P	19.906
21.8	Public Sidewalk café	-	-	-	-	-	-	-	-	C	P	-	-	C	-	19.907
21.9	Snow disposal site	P	P	-	-	-	-	-	-	-	P	-	-	-	P	19.908
21.10	Street performance	-	-	-	-	-	-	-	-	-	C	-	-	-	-	19.909

Key to table:

- The use is not permitted in the district

C The use is allowed through the conditional use process

19.638 to 19.659 reserved

Division 4
LOT AREA AND DIMENSIONAL STANDARDS

Sections:

19.660	Generally	
19.661	Required yards	

19.660 Generally
Lots and buildings not located within a planned development district shall conform to the dimensional standards specified in exhibit 5-4. The standards for lots and buildings in a planned development district are enumerated in the general development plan for the district.

19.661 Required yards

(1) **Generally**. Required front, side, and rear yards shall remain unobstructed from the ground to the sky, except that the following may be placed in the yard, provided they meet all other requirements:
   (a) landscaping;
   (b) fences;
   (c) retaining walls;
   (d) play equipment;
   (e) yard furniture;
   (f) gardens;
   (g) clotheslines;
   (h) similar structures.

(2) **Exceptions**. The items listed in exhibit 5-5 may protrude into a required yard as specified provided they do not extend into an established utility easement.

(3) **Corner lot yard.** For the intent of consistency of yards size with adjoining neighbors on all sides, corner lots will be considered to have front yards on all sides that adjoin a public ROW. TO alleviate undo hardship on the owners of corner lots, the building official can make a ruling to reduce the yard on one side of a corner lot to anywhere between the required front yard and the required side yard. This decision can be appealed per Article 4 Division 13.

Exhibit 5-5 Allowable projections into a required yard

Sills, belt courses, buttresses, cornices, ornamental features, and the like	8-inch maximum projection into a required yard
Chimneys and eaves	24-inch maximum projection into a required yard
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	5-feet maximum projection into required side and rear yards only
Steps and uncovered porches, provided they are not higher than the ground floor elevation	8-feet maximum projection into a required front yard; (8-feet maximum width of projection) 5-feet maximum projection into a required side yard

19.662 Special Standard. No Structure maybe constructed or maintained within 53ft from the center line of Trout Road.

19.663to 19.669 Reserved

Exhibit 5-4. Development standards for residential zoning districts

Standard	R-1	R-2	R-3	R-5	R-9
Minimum lot size	10,000 sq. ft. for a single family; 11,000 sq. ft. for a second dwelling unit	8,200 sq. ft. for a single family; 9,200 sq. ft. for a second dwelling unit	7,200 sq. ft. for a single-family, plus 2,000 sq. ft. for a second dwelling unit, plus 1,500 sq. ft. for a third unit, plus 1,500 sq. ft. for a fourth unit, plus 1,000 sq. ft. for each additional unit in excess of the fourth unit	10,700 sq. ft. for a three unit building, plus 1,500 sq. ft. for a fourth unit, plus 1,000 sq. ft. for each additional unit in excess of the fourth unit	See sec. 19.700
Minimum lot width at front yard setback	85 feet; 100 feet on a corner lot	85 feet; 100 feet on a corner lot	60 feet	65 feet	65 feet
Minimum street frontage	40 feet	40 feet	40 feet	40 feet	40 feet
Maximum building height					
Principal building	35 feet	35 feet	Residential 6 units or less, 35 feet; residential 7 units or more 45 feet (1)	45 feet (1)	16 feet
Detached garage-nonresidential	n/a	n/a	n/a	n/a	n/a
Other accessory buildings, including garage residential	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum setback for principal building					
Front yard	25 feet (2)	25 feet (2)	20 feet (2)	20 feet (2)	See sec. 19.700
Side yard, single family	10 feet on each side (3)	10 feet total of both sides but not less than 4 feet on any one side (4)	10 feet total of both sides but not less than 4 feet on any one side (4)	n/a	See sec. 19.700
Side yard, two-family	6 feet (3)	6 feet (4)	6 feet (4)	n/a	n/a
Side yard, multi-family	n/a	n/a	10 feet on each side (4)(5)	10 feet on each side (4)(5)	n/a
Side yard, townhouse	n/a	n/a	10 feet on each side of the building. Zero lot line between inner dwelling units (4)(5)	10 feet on each side of the building. Zero lot line between inner dwelling units (4)(5)	
Rear yard	10 feet	10 feet	10 feet	10 feet	See sec. 19.700
Minimum setback for accessory building					
Side yard	2 feet	2 feet	2 feet	2 feet	See sec. 19.700
Rear yard	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	2 feet; 15 feet if a detached garage accesses an alley	See sec. 19.700
Minimum setback for motor vehicle use area					
Side yard	5 feet	5 feet	5 feet	5 feet	5 feet
Rear yard	5 feet	5 feet	5 feet	5 feet	5 feet
Maximum lot area for accessory buildings in rear yard. Measured from rear lot line to back of building per sec.19.110.	30 percent	30 percent	30 percent	30 percent	n/a

Notes:

1. Buildings in excess of the stated height are considered a conditional use provided an adequate sprinkler system is installed consistent with the State Building Code.
2. Where lots comprising 40 percent or more of the frontage on one side of the block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from the average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 40 feet. No front yard depth need exceed the greater provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 8 feet apart.
3. For any building exceeding 35 feet or 2½ stories in height each such side yard shall be increased in width by one foot for each foot of additional height above 35 feet, or by 4 feet for each additional half story above 2½ stories, whichever is the greater amount, and provided further that for any building exceeding 60 feet in length from front to rear, each side yard shall be not less than 14 feet in width.
4. For any building exceeding 35 feet or 2½ stories in height each such side yard shall be increased in width by one foot for each foot of additional height above 35 feet, or by 2.5 feet for each additional half story above 2½ stories in the case of a single-family dwelling, or by 3 feet for each additional half story above 2½ stories in the case of two-family dwelling, whichever is the greater amount, and provided further that for any building exceeding 100 feet

in length from front to rear, each side yard shall be increased in width by 4 feet and no single side yard shall be less than 8 feet in width for a single family dwelling or 10 feet in width for a two-family dwelling.

5. For townhomes or multi-family buildings adjacent to another townhouse or multi-family building, the side yard may be reduced to 8 ft.

Exhibit 5-4. (continued) Development standards for commercial zoning districts

Standard	C-1	C-2	C-3	C-4	M-1
Minimum lot size	7,200 sq. ft.; for residential lots refer to the requirements of the R-3 district	None	11,000 sq. ft.	None	11,000 sq. ft.; for residential lots refer to the requirements of the R-3 district
Minimum lot width at front yard setback	60 feet	None	60 feet	None	60 feet
Minimum street frontage	40 feet	40 feet	40 feet	40 feet	40 feet
Maximum building height					
Principal building	45 feet (1)	45 feet (1)	45 feet (1)	45 feet (1)	45 feet (1)
Detached garage-nonresidential	24 feet, but no higher than the uppermost elevation of the principal building	24 feet, but no higher than the uppermost elevation of the principal building	24 feet, but no higher than the uppermost elevation of the principal building	24 feet, but no higher than the uppermost elevation of the principal building	24 feet, but no higher than the uppermost elevation of the principal building
Other accessory buildings, including garage, residential	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum setback for principal building					
Front yard	20 feet	None	20 feet	None	5 feet
Side yard	5 feet; 10 feet if the parcel abuts a residentially-zoned parcel; residential buildings shall comply with R-3 requirements	None; 10 feet if the parcel abuts a residentially-zoned parcel; residential buildings shall comply with R-3 requirements	10 feet; 20 feet if the parcel abuts a residentially-zoned parcel	None; 10 feet if the parcel abuts a residentially-zoned parcel; residential buildings shall comply with R-3 requirements	10 feet; 20 feet if the parcel abuts a residentially-zoned parcel
Rear yard	5 feet	10 feet; 5 feet if lot is adjacent to an alley or public way	10 feet; 5 feet if lot is adjacent to an alley or public way	10 feet; 5 feet if lot is adjacent to an alley or public way	10 feet; 5 feet if lot is adjacent to an alley or public way
Minimum setback for accessory building					
Side yard	10 feet	2 feet	2 feet	2 feet	2 feet
Rear yard	5 feet	10 feet; 5 feet if lot is adjacent to an alley or public way	10 feet; 5 feet if lot is adjacent to an alley or public way	10 feet; 5 feet if lot is adjacent to an alley or public way	2 feet; 5 feet if a detached garage accesses an alley
Minimum setback for motor vehicle use area	5 feet	5 feet	5 feet	5 feet	5 feet
Maximum lot area for accessory buildings in rear yard. Measured from rear lot line to back of building per sec. 19.110.	30 percent	30 percent	30 percent	30 percent	30 percent

Notes:

1. Buildings in excess of the stated height are considered a conditional use provided an adequate sprinkler system is installed consistent with the State Building Code.

Exhibit 5-4. (continued) Development standards for miscellaneous zoning districts

Standard	A-1	A-2	D-1	I-1
Minimum lot size	None	None	None	10,000 sq. ft.
Minimum lot width at front yard setback	None	None	None	None
Minimum street frontage	40 feet	40 feet	None	40 feet
Maximum building height				
Principal building	Residential 35 feet, nonresidential 35 feet (1)	Residential 35 feet, nonresidential 35 feet (1)	n/a	45 feet (1)
Detached garage, nonresidential	24 feet, but no higher than the uppermost elevation of the principal building	24 feet, but no higher than the uppermost elevation of the principal building	n/a	24 feet, but no higher than the uppermost elevation of the principal building
Other accessory buildings, including garage residential	15 feet	15 feet	n/a	15 feet
Minimum setback for principal building				
Front yard	10 feet	10 feet	n/a	10 feet (2)
Side yard	10 feet	10 feet	n/a	10 feet, 25 feet where the parcel abuts a residentially-zoned parcel
Rear yard	10 feet	10 feet	n/a	10 feet (3)
Minimum setback for accessory building				
Side yard	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel	n/a	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel
Rear yard	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel	n/a	2 feet, except 10 feet where the parcel abuts a residentially-zoned parcel
Minimum setback for motor vehicle use area	None, except 5 feet where the parcel abuts a residentially-zoned parcel	None, except 5 feet where the parcel abuts a residentially-zoned parcel	None, except 5 feet where the parcel abuts a residentially-zoned parcel	None, except 5 feet where the parcel abuts a residentially-zoned parcel
Maximum lot area for accessory buildings in required rear yard	None	None	n/a	None

Notes:

1. Buildings in excess of the stated height are considered a conditional use provided an adequate sprinkler system is installed consistent with the State Building Code.
2. Where lots comprising 40 percent or more of the frontage on one side of the block are developed with buildings having an average front yard depth of less than 10 feet, buildings within such frontage may conform to such average front yard depth.
3. Loading platforms, whether covered or uncovered, may be established without limitation as to size, where the rear yard abuts on a railroad right-of-way.

Division 5
GENERAL STANDARDS

Sections:

19.670	Licensing with the city	19.673	Outdoor speakers
19.671	Licensing with state agencies	19.674	Special provisions for residential premises
19.672	Cart returns	19.675	Permanent structure with washroom

19.670 Licensing with the city
In addition to meeting the requirements contained in this article, specified land uses and activities shall also meet the regulations for licensing with the city which may now exist or may be adopted. (See chapter 16 of the municipal code.)

19.671 Licensing with state agencies
If a land use or any related activity requires a license from the state, or its agent, such license shall be obtained prior to the establishment of such use or activity and shall be maintained for the life of the use or activity, so long as required by the state or its agent.

19.672 Cart returns
(1) **Applicability**. Each retail project that provides on-site parking in excess of 100 vehicle parking spaces shall provide shopping cart returns as provided in this section.
(2) **Number**. A least one cart return shall be provided for each 100 parking spaces.
(3) **Specifications**. The cart return shall be at least 170 square feet in area and be constructed of durable materials that are compatible with the building and outdoor lighting standards.
(4) **Placement**. No cart return shall be located within 25 feet of the building entrance, unless there is no other practicable location.

19.673 Outdoor speakers
Sound emanating from an outdoor speaker associated with any non-residential establishment shall not be audible from a lot in a residential zoning district.

19.674 Special provisions for residential premises
(1) **Occupancy of a dwelling unit**. A dwelling unit shall be occupied by no more than one family.
(2) **Short-term rental**. Except as provided in this code - a dwelling unit shall not be leased, rented, or otherwise occupied for a period of time shorter than 4 months, except for managed condominium projects.
(3) **Use of recreational vehicle or camping unit for occupancy**. A recreational vehicle shall not be used for occupancy while on a residential premises, except for guests not exceeding 5 days in a calendar month. No camping unit that is a temporary structure, such as a tent, may remain when not occupied as allowed under this section.
(4) **Firewood storage**. No more than two cords of firewood shall be stored out of doors on the parcel.

19.675 Permanent structure with washroom
All commercial activities shall be conducted within or on a premises having a permanent building equipped with a washroom having hot and cold running water, wash basins, towels or equivalent, and a toilet. The common council may waive this requirement pursuant to the procedures for acting on a conditional use permit application.

19.676 Design Review Approval
All projects that involve construction, maintenance, and/or any item addressed in the adopted Design Standards in the C-2 Commercial Downtown Zoning District Standards shall obtain a Certificate of Appropriateness per the adopted Design Standards. In addition, all signage throughout the city is subject to review and approval by the Design Review Committee.

19.677 Camping Units restricted outside of Licensed Campground.
It shall be unlawful, except as provided in this code or by special permission from the City, for any person to park any recreational vehicle, or establish any camping unit, outside of an approved campground or campground resort. The parking of only on unoccupied recreational vehicle in an accessory private garage building or in a rear yard (in compliance with motor vehicle set-backs) is permitted, providing no living quarters shall be maintained or any business practiced in said recreational vehicle while such is so parked and stored.

Exceptions: A Camping Unit on a private residential premises may be occupied by non-paying friends or relatives for no more than five (5) days in a calendar month. No camping unit that is a temporary structure, such as a tent, may remain when not occupied as allowed un this section.

16.678 Hawking Prohibited
No person, firm or corporation shall make or cause to be made for the purpose of advertising or announcing his vocations or presence, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade occupation, vocation, or profit making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or device.

No person shall call out to persons on public property or neighboring private property for the purpose of attracting attention to their business.

19.679 to 19.699 reserved

Division 6
SPECIAL STANDARDS FOR PRINCIPAL USES

Sections:

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19.715	Tattoo establishment		
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19.700 Mobil home park
(1) **Generally**. Mobile home parks shall comply with the provisions of this part and applicable state law.
(2) **Minimum size**. The minimum size of a mobile home park shall be 5 acres.
(3) **Uses**. Recreational vehicles may not be used for dwelling purposes. The following are permitted:
  (a) one mobile home or manufactured home per designated space;
  (b) one single-family dwelling for the operator or caretaker;

(c) service buildings such as administrative offices, laundromats, and recreational buildings provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents; and
(d) accessory structures such as storage sheds, porches, and carports as may be approved by the park operator. Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.

(4) **Density**. The maximum density shall be 10 spaces per gross acre.

(5) **Park access**. The entrance to the mobile home park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. Each access to the development shall be off of a street classified as a minor arterial, major collector, or minor collector as depicted on the official zoning map.

(6) **Interior access**. Access to each mobile home space shall be off of a paved private street internal to the project.

(7) **Interior street standards**. All interior streets shall be hard surfaced (concrete or asphalt). Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:
2 way street, parking on both sides: 32 feet
2 way street, parking on one side: 25 feet
2 way street, parking prohibited: 18 feet
1 way street, parking on one side: 22 feet
1 way street, parking prohibited: 14 feet

(8) **Walkways**. Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of 4 feet wide and hard-surfaced. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.

(9) **Mobile home space**. An individual mobile home space shall contain at least 5,000 square feet and shall have a minimum width, at the narrowest point, of 50 feet. The limits of each mobile home space shall be clearly marked on the ground. Considering the orientation of principal windows in mobile homes, mobile home spaces should be arranged diagonally to the street (30 degrees from perpendicular).

(10) **Mobile home pad**. Within each designated mobile home space, a mobile home pad with minimum dimensions of 17 feet by 70 feet shall be provided for the placement of the mobile home. The pad shall be hard surfaced with asphalt, concrete, or similar material and provide adequate drainage and support against settling and frost heave. It shall be equipped with tie downs and anchors to secure the mobile home against winds.

(11) **Required separation between mobile homes**. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one half of the area of the lot.

(12) **Setback and buffer strips**. Each mobile home shall be located at least 5 feet from any mobile home lot line. There shall be a minimum setback of the mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from the property boundary line. Accessory buildings shall be located at least 10 feet from the property boundary line.

(13) **Drainage and landscaping**. The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home pad. Except for the mobile home pad and other hard-surfaced areas, mobile home spaces shall be sodded or seeded or otherwise landscaped.

(14) **Skirting**. Each mobile home shall be skirted within 30 days of placement on the pad.

(15) **Mail delivery**. An off-street area for central mail delivery shall be provided.

(16) **Solid waste collection**. An off-street area for the collection of solid waste shall be provided.

(17) **Common storage area for residents**. An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the mobile home park shall be provided. The minimum size of such area shall be 100 square feet per mobile home space. The storage area shall be fenced to prevent access from outside the park.

(18) **Recreation area**. Each mobile home park shall contain a recreation area. A minimum of one half acre of area for such use shall be provided for each 100 mobile home spaces. The minimum area in a park shall be 0.6 acre. Such area shall be located in a central area of the mobile home park

(19) **Screening**. A screening of trees or shrubs shall be provided along the property boundary line separating the park and adjacent properties, except where the adjoining property is also a mobile home park. Within 6 months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, plantings of trees and shrubs shall be established and so arranged and in sufficient numbers to form a solid wall of plant material. Such planting shall be a minimum height of 2 feet at the original time of planting and shall be grown or maintained at a height of not less than 10 feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.

(20) **Utilities**. Utilities, including electrical, television, and telephone services shall be placed underground whenever possible.

(21) **Lighting**. Street lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.
(22) **Sanitation**. All appropriate state, county, and city sanitation regulations shall be strictly observed.
(23) **Maintenance responsibility**. The owner of the mobile home park shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
(24) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.701 Residence, single-family detached

(1) **Number of principal dwellings per parcel**. No more than one principal residential building shall occupy any single parcel or lot, except for accessory dwelling units as may be permitted herein.
(2) **Floor area**. The floor area shall be at least 1,100 square feet for one-story dwellings and 1,680 square feet for two-story dwellings.
(3) **Design and construction**. A single-family dwelling shall meet the following standards:
  (a) The roof shall have a minimum pitch of 4 to 12.
  (b) Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, or fiberglass or asphalt shingles.
  (c) 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.
  (d) An overhang shall extend at least 12 inches beyond the face of the exterior wall.
  (e) The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter, as approved by the city's building inspector.

19.702 Residence, two-family

(1) **Number of principal buildings per parcel**. No more than one principal residential building shall occupy any single parcel or lot, except for accessory dwelling units as may be permitted herein.
(2) **Floor area**. Each unit in a one-story building shall be at least 650 square feet and 850 square feet in a two-story building.
(3) **Design and construction**. A two-family residence shall meet the design and construction standards for a single-family residence.

19.703 Residence, multi-family

(1) **Development Standards (additions to Exhibit 5-4)**
  (a) **Side Yard.** 10 feet on each side, except if the adjacent building is another multi-family or town house building the side yard may be 8 ft.
(2) **Required entrances**. A multi-family residential building shall have a separate entrance to each dwelling unit if located in a mixed-use zoning district.
(3) **Floor area**. Each dwelling unit in a multiple family building shall be at least 300 square feet.

19.704 Residence, townhouse

(1) **Development Standard (additions to Exhibit 5-4)**
  (a) Minimum Lot Size.
    i. Minimum lot size for townhouse principal building construction: 20,000 sq. feet.
    ii. Minimum lot size per dwelling unit: 2000 sq. feet.
  (b) Minimum Lot Width
    i. Minimum lot width for development: 125 ft at front yard setback.
    ii. Minimum lot width (at front yard setback) per townhouse unit: 20 ft.
      1. End unit minimum lot width shall be 40 ft.
      2. Corner lots at street intersections, minimum lot width shall be 50 ft.
    iii. Interior units shall be as wide as the lot on which they are located.
  (c) Side Yard.
    i. 10 ft on each side of principal townhouse building, except if the adjacent building is another multi-family or townhouse building, then the side yard may be 8 ft.
    ii. Zero lot line between interior townhouse units.

(2) **Number of dwelling units**. Each building shall contain from 3 to 8 dwelling units.
(3) **Lot area**. No more than 50 percent of the lot area shall be occupied by a building.

(4) **Utility service**. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.
(5) **Subsequent divisions**. Individual townhouses may not be further subdivided.
(6) **Driveways**. When the garage is located in the front of the townhouse, a common driveway shall be used whenever possible.
(7) **Vertical off-sets**. When 5 or more dwelling units are constructed, there shall be a vertical offset between each adjoining dwelling unit.
(8) **Accessory buildings**. Accessory buildings, excluding garages and carports, shall not exceed 100 cumulative square feet.
(9) **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.
(10) **Covenants**. The city may require covenants approved by the city, be in place prior to plan approval.

19.705 Adult family home
No adult family home described in sec. 50.01(l)(b), Wis. Stats., may be established within 2,500 feet of another such facility or any community living arrangement. An agent may apply for an exception to this requirement, and the common council at its discretion may grant the exception. (See sec. 56.69(15)(br), Wis. Stats.) An adult family home certified under sec. 50.032(1m)(b), Wis. Stats., are exempt from this provision. (See sec. 62.23 (7)(i)(9), Wis. Stats.)

19.706 Community living arrangements
No community living arrangement may be established within 2,500 feet of another such facility. Agents of a facility may apply for an exception to this requirement, and the common council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the common council and if both facilities comprise essential components of a single program. (See sec. 62.23 (7)(i)(1), Wis. Stats.) 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 sec. 48.62, Wis. Stats., are exempt from this provision. (See sec. 62.23 (7)(i)(9), Wis. Stats.)

19.707 Foster home and treatment foster home (operated as a principal use)
(1) **Proximity to other such facility**. No foster home or treatment foster home that is operated by a corporation, child welfare agency, church, association of public agencies, shall 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. (See sec. 62.23 (7)(i)(2m), Wis. Stats.)
(2) **State licensing**. Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license as provided for in sec. 48.75 Wis. Stats.

19.708 Campground
(1) **Generally**. In addition to the other applicable design and improvement requirements contained in this chapter, campgrounds shall comply with the provisions of this part and applicable state law.
(2) **Maintenance responsibility**. The owner of the campground shall maintain the campground in a clean and sanitary manner.
(3) **Accessory facilities**. Accessory facilities (e.g., laundry, food sales) may be allowed as a service to the occupants but shall be designed, operated, and located to inhibit use by non-occupants.
(4) **Density**. The density shall not exceed 25 spaces per acre (gross).
(5) **Recreation area**. At least 8 percent of the gross site area or 2,500 square feet, whichever is greater, shall be dedicated for on-site recreational purposes and shall be easily accessible from all spaces.
(6) **Access**. Recreational vehicle spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private street internal to the development.
(7) **Setbacks from property line**. A campground space shall be no closer than 40 feet to the perimeter property line of the site.
(8) **Solid waste collection**. An off-street area for the collection of solid waste shall be provided.
(9) **State licensing requirements**. Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license from the Wisconsin Department of Health and Family Services as required by state law. (See chapter HFS 178, Wis. Admin. Code.)

19.709 Group camp
A group camp shall meet the same standards as a campground.

19.710 Seasonal Workforce Housing facility

(1) **Use restrictions**. No portion of an overnight lodging facility may be used as a Seasonal Workforce Housing facility, except for those individuals that are employed at the overnight lodging facility.

(2) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

(3) **Restrictions on Arterial or Collector Streets**. New Seasonal Workforce Housing facilities on Arterial or Major Collector Streets (as designated by the Zoning map) should not be allowed unless the applicant can demonstrate extenuating circumstances. The conversion of existing "Overnight Lodging" facilities are of particular concern, and should not be allowed on Arterial or Major Collector Streets and are subject to increased scrutiny on Minor Collector Streets. New construction of facilities that are planned, designed, and construction for Seasonal Workforce Housing (with a sprinkler system) with adequate buffering between the buildings and the street may be considered.

(a) **Exemption**: The area of Vine Str. Designated in the Comprehensive Plan as "Targeting Seasonal Employee Housing" (South of Broadway) is exempted from this restriction on Arterial or Collector Street.

19.711 Overnight Lodging

(1) Extended Stay in Overnight Lodging Facilities. For the purposes of this section, extended stay means guests staying at an Overnight Lodging Facility for more than twenty-one (21) days in any sixty (60) consecutive days.

(2) Any owner or operator that allows a person to occupy a hotel or motel room for more than twenty-one (21) consecutive days shall prepare a completed extended-stay record with the following information:

(a) Name and address of each person.

(b) Dates of occupancy.

(c) Make and license plate information of vehicle.

(d) The owner or operator of an Overnight Lodging Facility shall retain a copy of the extended stay record on file for one (1) year from the last date of occupancy.

(e) Any owner or operator of an Overnight Lodging Facility offering extended stays for guests shall post a notice to all guests of the restrictions on stays for more than thirty (30) days in any sixty (60) consecutive days.

(3) Maximum Length of Stay in Overnight Lodging Facilities. No person shall reside in any Overnight Lodging Facility for more than thirty (30) days in any sixty (60) consecutive days.

(4) Exemptions. Length of stay restrictions do not apply to:

(a) The owner/operators of the facility

(b) Full time employees of the facility residing as a "family" (as defined in this code) within a "dwelling unit" (as defined in this code) within a "dwelling unit" (as defined in this code).

(c) Employees of the facility residing in permitted and licensed Seasonal Workforce Housing quarters.

(d) Guests who stay in the facility for five (5) days or less in any seven (7) consecutive days.

19.712 Tavern

(1) **General standards**. Taverns shall comply with locational standards as may be adopted by the state.

(2) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.713 Body-piercing establishment

(1) **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 streets, from the property line of the parcel with the body-piercing establishment to the property boundary line with the other specified use.

(2) **Sale of alcohol**. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.

(3) **Building standards**. A patron who is being pierced shall not be visible from the exterior of the building through any window or entrance to the building.

(4) **State licensing**. Prior to establishment of this use and at periodic intervals which may be required thereafter, the operator shall obtain and maintain a license as required by state law. In addition, each practitioner shall obtain and maintain a license as required by state law.

19.714 Commercial kennel

(1) **General standards**. The standards applicable to animal shelters apply to commercial kennels.

(2) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.715 Sexually-oriented business

(1) **Purpose**. This section regulates sexually-oriented businesses to promote the health, safety, morals, and the general welfare of city residents and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually-oriented businesses within the city. These provisions have neither the intent, purpose, or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent, purpose, or effect of these provisions to restrict or deny access by adults to distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent, purpose, or effect to condone or legitimize the distribution of obscene material.

(2) **Legislative findings**. Based upon analyses of sexually-oriented business by Indianapolis, Indiana; Rochester, New York; and Denver, Colorado, which analyses are found applicable and relevant to the city, the common council makes the following findings:

(a) The establishment of sexually-oriented businesses in business districts that are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both the business and residential segments of the neighborhood, causing or contributing to blight and a downgrading of property values.

(b) The establishment of more than 2 sexually-oriented businesses within 600 feet of each other has a deleterious effect on surrounding residential and business areas and the fostering of such businesses within a close proximity tends to create a “skid row” atmosphere.

(c) The concentration of several sexually-oriented businesses in the same neighborhood tends to attract undesirable quantity and quality of transients, a circumstance that adversely affects property values, causes an increase in crime, and encourages residents and businesses to move elsewhere.

(d) Concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons comprising residential and business segments of that neighborhood.

(3) **Applicability**. Upon any of the following events, a sexually-oriented business shall comply with the provisions of this section:

(a) the opening or commencement of a sexually-oriented business;

(b) the conversion of an existing business, whether or not a sexually-oriented business, to a sexually-oriented business;

(c) the addition of a sexually-oriented business to an existing sexually-oriented business;

(d) the relocation of a sexually-oriented business;

(e) the sale, lease, or sublease of a sexually-oriented business;

(f) the transfer of securities which constitute a controlling interest in the sexually-oriented business, whether by sale, exchange, or similar means; or

(g) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the sexually-oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(4) **Proximity to specified zoning districts**. A sexually-oriented business shall not be located within 350 feet of a zoning district that allows residential uses.

(5) **Proximity to another establishment of the same kind**. A sexually-oriented business shall not be located within 600 feet of another sexually-oriented business.

(6) **Proximity to other specified uses**. A sexually-oriented business shall not be located within 600 feet of the following:

(a) public library;

(b) public playground or park;

(c) educational facility (K-12) including its grounds;

(d) a state licensed family day care home, group day care home, or day care center;

(e) worship facility; and

(f) any youth-oriented establishment.

If one of these specified uses locates within this area of separation after the sexually-oriented business has been granted a building permit or occupancy permit, the sexually-oriented business shall not be required to relocate.

(7) **Measurement of distances**. For the purpose of this section, specified distances shall be measured in a straight line, without regard to intervening structures or streets, from the property line of the parcel with the sexually-oriented business to the property boundary line with the specified uses or to the specified zoning districts.

(8) **Sale of alcohol**. A sexually-oriented business shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
(9) **Building standards**. All building openings, entries, and windows shall be located, covered, or screened in such manner as to prevent the interior of such premise from being viewed from outside the establishment. An entry with a double set of doors may be used to meet this standard.
(10) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.716 Tattoo establishment
(1) **Locational standards**. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or body-piercing establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or streets, from the property line of the parcel with the tattoo establishment to the property boundary line with the other specified use.
(2) **Sale of alcohol**. A tattoo establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
(3) **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.
(4) **State licensing**. Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license as required by state law. In addition, each practitioner shall obtain and maintain a license as required by state law.

19.717 Veterinary clinic, large animal
The standards applicable to animal shelters apply to large animal veterinary clinics.

19.718 Veterinary clinic, small animal
The standards applicable to animal shelters apply to small animal veterinary clinics.

19.719 Vehicle repair
No vehicle shall be serviced or repaired outside of the principal structure intended for such use.

19.720 Vehicle sales and rental
(1) **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) **State licensing**. Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license as required by state law.

19.721 Mini-storage facility
(1) **Minimum lot size**. The lot on which a mini-storage facility is located shall be at least 2 acres in size.
(2) **Access**. The access to a cubicle shall not open directly onto a public street or alley.
(3) **Paving required**. All driveways, interior aisles, and walkways shall be concrete or asphaltic concrete.
(4) **Storage of prohibited substances**. No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
(5) **Uses**. Only uses that are accessory to storage shall occur. No portion of the site may be used for fabrication or any similar use.

19.722 Amusement ride
Prior to establishment of this use and at periodic intervals which may be required thereafter, the operator shall obtain and maintain a license as required by state law.

19.723 Animal menagerie/zoo
(1) **Proximity to specified districts**. No animal shall be on display or otherwise kept within 200 feet of a residential zoning district or a mixed-use zoning district.
(2) **State licensing**. A written permit shall be obtained from the Wisconsin Department of Agriculture, Trade and Consumer Protection for each animal imported into the state.

19.724 Animal shelter

(1) **Confinement of animals**. All animals shall be confined to an enclosed building. In an industrial zoning district, the facility may include a fenced exercise area provided:
   (a) it is at least 200 feet from the property boundary line of a residential zoning district or a mixed-use zoning district; and
   (b) no animal is allowed to remain in the exercise area from dusk to dawn.

(2) **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 on which it is located.

19.725 Cemetery

A cemetery shall comply with the following standards:
   (a) A cemetery shall be at least 3 acres.
   (b) Burial plots shall not be located in the floodplain or in wetland areas, nor shall internment occur below the groundwater table.
   (c) Burial plots shall not be located within 50 feet of a public street right-of-way.
   (d) 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.
   (e) The deceased shall be enclosed in a casket or other durable container.
   (f) The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.

19.726 Composting facility

A composting facility shall not be located within 600 feet of a residential zoning district, mixed-use zoning district, educational facility, worship facility, or any other place where the public congregates.

19.727 Recycling center

All material shall be fully contained within an enclosed building.

19.728 Solid waste transfer station

A solid waste transfer station shall not be located within 600 feet of a residential zoning district, mixed-use zoning district, educational facility, worship facility, or any other place where the public congregates.

19.729 Wireless Telecommunication Mobile Service Facilities

(1) Purpose. This section is intended to regulate mobile service facilities to the full extent allowed by Wis. Stat. §66.0404 and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile services facilities in a manner that is preempted or prohibited by Wis. Stat. §66.0404 or other applicable laws.

(2) Definitions.

(a) "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(b) "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in the substantial modification.

(c) "Mobile service facility" means 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 geographical area but does not include the underlying support structure.

(d) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.

(e) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. 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.

4. Increases the square footage of an existing compound to a total area of more than 2,500 square feet.

(f) "Support structure" means 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 structures.

(3) New towers and facilities. The sitting and construction of new mobile service support structures and facilities shall be subject to the following requirements:

(a) Application process. The applicant shall submit a written application which shall include all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed support structure.

3. The location of the mobile service facility.

4. A construction plan which describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

5. An explanation 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) Fee. Any petition shall be accompanied by a fee in the amount set out in the City fee schedule. Costs incurred by the city in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be imposed shall be charged to the petitioner. Such fee shall not exceed the limits established by Wis. Stat. §66.040(4)(d). (Note: current limit is $3,000.00)

(c) Determination of completeness within ten days of submittal. The building inspector shall review the application and determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The building inspector shall notify the applicant in writing within ten 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 applications as often as necessary until it is complete.

(d) Conditional use review procedure. The mobile service support structure shall be a conditional use, subject to the ordinary conditional use regulations and procedures of this chapter.

(e) Requirements.

1. Before a new tower site is requested, all the existing tower facilities shall be considered and evaluated. If an existing facility cannot be used, a justification report, citing the reasons it cannot be used must be provided with the application as described in subsection 3(a)5 above.

2. All new antenna support structures shall be mono-poles; which are defined as a smooth tapered pole, without stepped sections or guy wires.

3. All new antenna support structures shall be constructed to a standard that permits the collocation of a minimum of three telecommunication company facilities on a single tower.

4. All antennas and/or towers and other communications equipment shall be removed from the site within 60 days of use termination by the telecommunications company.

5. All antenna support structures shall meet the following conditions and requirements:

a. The proposed antenna or antenna structure and/or towers shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.

b. There shall be a setback of sufficient radius around the antenna structure that its collapse will be contained on the property and not affect regularly occupied buildings on the subject site. This requirement may be waived upon presentation of written consent by adjoining owners and occupants.

c. No form of advertising shall be allowed on the antenna, antenna structure, base, framework or other buildings or facilities associated with the use.

d. All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.

e. The site and all structures shall have monthly maintenance and an annual investigation of structural stability.

f. Exhibits of the proposed tower structure design and design of the maintenance building and site shall be attached to the conditional use permit document.

6. Site restrictions are as follows:

a. The exterior of all buildings shall be architecturally compatible and consistent with surrounding building and structures and constructed in

accordance with the plan approved appropriately and shall be neatly maintained at all times.

b. The telecommunications facilities may not include offices, vehicle storage, or outdoor storage or broadcast studios; except for emergency purposes or other uses that are not needed to send or receive transmission as determined by the City.

c. There shall be adequate space on site to accommodate maintenance vehicles.

d. A site grading and storm water drainage plan shall be reviewed and approved by the building inspector.

e. Areas not used for parking or drives shall be landscaped according to the plan approved.

f. Parking lot and security lighting is to be installed and maintained in a manner that will avoid glare or excessive illumination spilling over on adjoining properties.

g. No mobile service support structure shall be located on a lot in a residence district, unless the lot is greater than two (2) acres in area and the principal use is other than residential.

h. Mobile service support structures towers, guy wires, appurtenant equipment and building shall comply with the yard and set back requirements of the zoning district in which they are located.

7. Telecommunications companies that are parties to conditional use permits shall warrant the safety of the technology of the facilities and hold the City, its officers, and employees harmless for any claims or losses to the city or its residents; including reasonable attorney fees arising from, or related to, the use of the facilities.

8. The telecommunications company shall provide a bond, naming the city as beneficiary, in the penal amount of $20,000.00 sufficient to assure removal of the antenna, antenna support structures, facility buildings, fences and driveways, and restoration of the site, as near as practicable, to its current condition.

9. Any other condition recommended by the plan commission and approved by the Common Council.

(f) Limitations upon authority. The city review and action in the matter shall be subject to the limitations imposed by Wis. Stat.§66.0404(4). In the event the applicant believes the city has exceeded its authority in this regard, the applicant shall notify the city in writing and the city reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(4) Modifications. The construction of modifications to an existing mobile service support structure or mobile service facility shall be subject to the following requirements:

(a) Substantial modifications.

1. Application and review process. A substantial modification is regulated the same as a new structure or facility, as described in subsection 3(a) above, except that the required plans should describe the proposed modifications, rather than describe the new structure or facility.

(b) Non-substantial modifications.

1. Application information. The applicant shall submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

   (a) The name and business address of, and the contact individual for, the applicant.

   (b) The location of the affected support structure.

   (c) The location of the proposed facility.

2. Fee. Any petition shall be accompanied by a fee in the amount established by the City fee schedule. Costs incurred by the city in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the application and preparation of the conditions to be imposed shall be charged to the petitioner. Such fee shall not exceed the limits established by Wis. Stat. §66.404(4)(d). (Note: current limit is $500.00)

3. Completeness determination within five days. The building inspector will determine whether the application is complete. If the application includes all of the foregoing information, the application shall be found to be complete. The department of community development must notify the applicant in writing within five days of receiving the application if it is found not to be complete, specifying in detail the required information that was incomplete. The applicant may resubmit as often as necessary until it is complete.

4. Determination. The building inspector shall make a decision on the application within 45 days of receipt of a complete application, unless the time is extended by the petitioner. The decision shall be stated in writing. If approval is not granted, the reasons therefore will be included in such record.

5. Limitations upon authority. The city review and action in the matter shall be subject to the limitations imposed by Wis. Stat. §66.404(4), and such other laws as may apply which may include 47 USCA § 1455. In the event the applicant believes the city has exceeded its authority in this regard, the applicant shall notify the city in writing and the city reserves the right to reconsider the matter, to ensure that applicable laws are followed.

19.730 Contractor yard

(1) **Lot size requirements**. There are no minimum lot size requirements.

(2) **Limitations on equipment**. There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) **Storage of material**. Exterior storage of construction materials, wastes, and the like shall be screened from public view with a 6-foot fence.

19.731 to 19.799 reserved

Division 7
SPECIAL STANDARDS FOR ACCESSORY USES

Sections:

19.800	Adult family home	19.813	Outdoor furnace
19.801	Amateur radio station	19.814	Play structure
19.802	Automated teller machine, exterior	19.815	Private kennel
19.803	Bed and breakfast	19.816	Private stable
19.804	Drive-up service window	19.817	Roadside produce stand
19.8045	Exterior Activity Area	19.818	Standby electrical power generator
19.805	Family day care home	19.819	Storage container
19.806	Fence	19.820	Swimming pool
19.807	Foster home and treatment foster home (operated as an accessory use)	19.821	Walk-up service window
		19.822	Wind energy system
19.808	Garage, nonresidential	19.823	Yard shed
19.809	Garage, residential	19.824	Reserved
19.810	Home occupation	19.825	Industrial District Retail
19.811	Outdoor commercial food and beverage service	19.826	Short Term Rental
19.812	Outdoor display incidental to indoor sales		

19.800 Adult family home
Prior to establishment of this use, and as often as required thereafter, the operator shall obtain a state license.

19.801 Amateur radio station
Amateur radio stations may be installed, erected, maintained, and/or operated in any residential zoning district or mixed-use zoning district, except historic districts, without benefit of a building permit or other entitlement process, so long as all the following conditions are met:

(a) The antenna is operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and is less than 80 feet in height.
(b) The antenna use involved is accessory to the primary use of the property that is not a telecommunications facility.
(c) The premises contains no more than 3 antenna support structures.
(d) Sufficient anti climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
(e) The antenna is not located in the front yard.

19.802 Automated teller machine, exterior
(1) **Security**. An ATM shall be located in a location that is readily visible.
(2) **Lighting**. Proper lighting levels shall be maintained 24 hours a day for security purposes.
(3) **Location**. An ATM shall be located at least 5 feet from public property.

19.803 Bed and breakfast
(1) **Type of dwelling**. A bed and breakfast shall only occur within a single-family detached dwelling.
(2) **Number of allowable guest rooms**. No more than 6 guest rooms shall be offered.
(3) **Residency requirement**. The operator of the bed and breakfast shall reside within the single family dwelling on a permanent basis.
(4) **Exterior character of the dwelling unit**. The exterior appearance of the building shall not be altered from its single-family appearance.
(5) **Food preparation**. No food preparation or cooking shall be allowed in guest rooms.
(6) **Meals**. Meals shall only be offered to overnight guests.
(7) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

(8) **State licensing**. Prior to establishment of this use and at periodic intervals that may be required thereafter, the operator shall obtain and maintain a license as required by state law. (See subchapter VII of chapter 254, Wis. Stats., and chapter HFS 197, Wis. Admin. Code.)

19.804 Drive-up service window

(1) **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.

(2) **Length of lane**. The lane leading up to the 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.

(3) **Curbing**. Menu boards, canopy supports, and the like shall be separated from the vehicle use area by a permanent curb.

19.8045 Exterior Activity Area

(1) **Purpose.** The purpose of this accessory use section is to allow, on a case by case discretionary basis, outdoor activities and entertainment, public and private, associated with and complimentary to adjacent interior businesses or ventures.

(2) **Criteria.**

(a) The size, scope and scale of the exterior activity shall be consistent with and proportionate to the adjacent principal interior activity.

(b) The following factors, without limitations, shall be considered and regulated to prevent adverse effects on neighboring uses or aesthetics: Lighting, hours of operation, density, fencing, screening, separation, noise and setbacks.

(3) **Review**. The Design Review Committee shall review and approve in areas of its jurisdiction. City Planner shall review and approve all other applications. Relevant city agencies will be asked to review and comment. Approvals shall be based upon consistency with the purpose of this section and/or the criteria.

19.805 Family day care home

Prior to establishment of this use the operator shall obtain a license from the state, or its agent, and maintain such license for the life of the use or until the state or its agent no longer requires such license.

19.806 Fence

(1) **Exemptions**. A fence used for security purposes during a construction project or on a farm for farming purposes, is exempt from this section.

(2) **Locations**. All boundary line fences or walls shall be located entirely on private property of the person, firm or corporation constructing, or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the boundary line of the respective properties. In any case, where the exact location of any boundary line is in doubt, the applicant for a fence permit shall submit to the Building Inspector a survey thereof prepared by a registered Land Surveyor, before the fence permit is issued. No fence shall be erected within two (2') feet of any public right-of-way.

(3) **Orientation**. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

(4) **Materials and maximum coverage**. A fence shall be constructed of building materials commonly used for fence construction. Single strand wire or barbed wire may not be used in a residential zoning district or mixed-use zoning district. In residential zoning districts, a fence located in the front yard or in a side yard that abuts a street right of way shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height.

(5) **Dimensional standards**. A fence shall not exceed the heights listed in exhibit 5-6. A structure may extend over a gate or other entry provided it is not taller than 9 feet or wider than 5 feet. A trellis may be incorporated into the overall design of a fence provided it is not taller than 8 feet and does not extend more than 10 percent of the length of the side on which it is located.

(6) **Clear vision**. Notwithstanding the other provisions of this section, a fence may not obscure or block a clear vision of traffic at a street intersection or driveway.

Exhibit 5-6. Standards for fences

Maximum height (feet)	Mixed Use Zoning Districts	Residential Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts
Front yard	4	4	6	8
Side yard abutting a street right of way	4	4	6	8
Side yard not abutting a street right of way	6	6	6	8
Rear yard	6	6	6	8

19.807 Foster home and treatment foster home (operated as an accessory use)
Prior to establishment of this use, and as often as required thereafter, the operator shall obtain a state license as provided for in sec. 48.75, Wis. Stats.

19.808 Garage, nonresidential
(1) **Size**. The footprint of the garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the building containing the primary use.
(2) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
(3) **Exterior materials**. Exterior materials shall be the same as, or substantially the same as, those used on the principal building.

19.809 Garage, residential
(1) **Location**. The garage may be attached to the residence or detached.
(2) **Size**. The footprint of a garage, whether attached or detached, shall not be larger than the gross floor area of the first floor of the dwelling unit.
(3) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.
(4) **Exterior materials**. Exterior materials shall be the same as, or substantially the same as, those used on the residence.

19.810 Home occupation
(1) **Validity of use**. The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.
(2) **Location and space limitation**. The home occupation shall occur entirely within the dwelling unit and space specifically designated for use of the home occupation shall occupy no more than 30 percent of the total floor area.
(3) **Exterior character of the dwelling unit**. The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
(4) **Storage of materials**. Exterior storage of materials or equipment is prohibited.
(5) **Signs**. No exterior display shall be permitted except that one non-illuminated nameplate or home occupation sign shall be allowed. The sign shall be limited to 144 square inches (one square foot) in area. Such sign or nameplate shall be placed flat against the dwelling unit.
(6) **Retail sales**. The indoor display or retail sales of those products produced on the premises are permitted. All other on-site sales are prohibited.
(7) **Limitations on business vehicles**. No vehicle used for the home occupation shall exceed a one ton rate capacity. No more than one such vehicle shall be parked on the premise or on a public street.
(8) **Prohibited uses**. The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber, hair care, restaurant, vehicle repair, or any other similar activity.
(9) **Local licensing**. Prior to establishment of this use and every year thereafter, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code.

19.811(A) Large Scale Private Outdoor Commercial Food and Beverage Service
(1) Approval. Any proposed sidewalk café must be approved by the Design Review Committee prior to the use commencing.
(2) Outdoor commercial food and beverage service is an accessory use on privately owned real estate subject to the following guidelines. The City of Wisconsin Dells has determined that such service can create an enjoyable atmosphere for visitors that would serve as a benefit for the community, provided that such service is planned and managed properly.

(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 restaurant or tavern.

(b) **Location of service area**. The outdoor service area shall be located on the same parcel as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located within any public right of way or within any required landscape area, bufferyard, or front, side, or rear yard setback.

(c) **Special restrictions when adjacent to residentially-zoned parcel**. If the outdoor service area is adjacent to a residentially zoned parcel, the following restrictions apply:

(i)Alcoholic beverages. Alcoholic beverages may only be served with a meal.

(ii)Hours of use. No person may occupy the outdoor service area after 9:30 PM.

(d) **Consistency with state liquor license**. No alcoholic 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 state of Wisconsin, explicitly states that consumption is permitted within the outdoor service area.

(e) **Entrance to service area if alcoholic beverages are served.** If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the 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.

(f) **Restroom requirements**. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not be permitted.

(3) The Design Review Committee and/or Plan Commission, may upon application, approve deviations from sec. (2) guidelines except there shall be no exception from sub sec. (2)(f). A deviation shall be accompanied by a finding that it is not inconsistent with the spirit and intent of this section.

19.811(B) Small Scale, Private Outdoor Commercial Food and Beverage Service.

(1) Approval. Any proposed sidewalk café must be approved by the Design Review Committee prior to the use commencing.

(2) Small scale, outdoor commercial food and beverage service is an accessory use on privately owned real estate subject to the following guidelines. The City of Wisconsin Dells has determined that such service can create a enjoyable atmosphere for visitors to Wisconsin Dells that would serve as a benefit to for the community, provided that such service is planned and managed properly.

(a) **Maximum size of service area**. The size of the outdoor service area shall not be more than 1500 FT^2. The maximum capacity of the outdoor area shall be 50 persons. Any service area that exceeds this maximum shall be considered a standard Outdoor commercial food and beverage service and require a full CUP.

(b) **Location of service area**. The outdoor service area shall be located on the same parcel as the restaurant or tavern or on an adjoining parcel. The outdoor service area shall not be located within any public right of way or within any required landscape area, buffer yard, or front, side, or rear yard setback. The Design Review Committee and/or Plan Commission may require setbacks as they see fit.

(c) **Special restrictions when adjacent to residentially-zoned parcel**. If the outdoor service area is adjacent to a residentially zoned parcel, the following restrictions apply:

i. Alcoholic beverages. Alcoholic beverages may only be served with a meal.

ii. Hours of use. No person may occupy the outdoor service area after 9:30 PM.

(d) **Consistency with state liquor license**. No alcoholic 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 state of Wisconsin, explicitly states that consumption is permitted within the outdoor service area.

(e) **Entrance to service area if alcoholic beverages are served**. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the 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.

(f) **Restroom requirements**. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not be permitted.

(3) The Design Review Committee and/or Plan Commission may, upon application, approve deviations from the sec. (1) guidelines except there shall be no exception from sub sec. (1)(a) OR (1)(f). A deviation shall be accompanied by a finding that it is not inconsistent with the spirit and intent of this section.

19.812 Outdoor display incidental to indoor sales.

(1) Maximum size of service area. The size of the area shall not be more than 25 percent of the gross floor area of the principal building.

(2) Location of display area. The display area shall be located on the same parcel as the indoor sales or on an adjoining parcel. The display service area shall not be located within any public right of way or within required landscape area, bufferyard, or front, side, or rear yard setback.

19.813 Outdoor furnace

(1) **Type of materials burned**. The following types of materials shall not be burned (1) rubbish or garbage, including food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business waste; (2) waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in chapter NR 590, Wis. Admin. Code; (3) asphalt and products containing asphalt; (4) treated or painted wood, including plywood, composite wood products or other wood products that are painted, varnished, or treated with preservatives; (5) any plastic material, including nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers; (6) rubber, tires, and synthetic rubber-like products; and (7) newspaper, corrugated cardboard, container board, office paper, and other materials that must be recycled in accordance with the city's recycling ordinance, except that paper and cardboard products may be used as starter fuel.

(2) **Venting stack**. The height of the venting stack shall extend at least 20 feet above the ground surface upon which the unit is placed or 3 feet above the roof line of any habitable building within 100 feet of the chimney. A venting stack shall be constructed to withstand high winds.

(3) **Locking device**. An outdoor furnace shall have a child-proof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.

(4) **Air quality and emission standards**. An outdoor furnace shall comply with all applicable standards governing air quality and emissions as may be promulgated and amended by the United States Environmental Protection Agency and the Wisconsin Department of Commerce.

(5) **Placement**. An outdoor furnace shall not be placed closer than 500 feet to a habitable building not on the same property as the furnace. Furthermore, an outdoor furnace shall not be located in the front yard or in the street-side yard of a corner lot.

(6) **Limitation on use**. An outdoor furnace may only be used from October 1 through April 30.

(7) **Performance criteria**. An outdoor furnace shall be fitted with a fan-induced ventilation system.

(8) **Location of burnable stockpiles**. Stockpiles of burnable materials may be kept inside of a building or out of doors. If kept out of doors, the stockpiles shall be no closer than 200 feet to the property boundary line of the parcel on which it is located. Furthermore, if kept outdoors, the stockpiles shall not be located in the front yard or in the street-side yard of a corner lot.

(9) **Storage of corn**. If corn or other similar food stuff is burned within an outdoor furnace, it shall be stored in a vermin-proof container.

(10) **Building permit**. A building permit shall be obtained prior to the establishment of an outdoor furnace.

19.814 Play structure

A play structure located in the front yard shall not occupy more than 64 square feet.

19.815 Private kennel

(1) **Location**. A private kennel shall not be located in the front yard.

(2) **Number of animals allowed**. No more than 2 dogs over the age of 6 months may be kept in a private kennel.

19.816 Private stable

(1) **Minimum lot size**. No livestock shall be kept on a lot less than one acre.

(2) **Density**. No more than 2 head of livestock over the age of 6 months shall be maintained per acre.

(3) **Building setbacks**. New barns, stables, and other similar buildings used to house livestock shall observe the building setback standards established for the district plus an additional 10 feet.

(4) **Enclosure required**. Livestock shall be confined within a fence or other suitable enclosure.

19.817 Roadside produce stand

(1) **Time limits**. Sales may occur within a temporary structure not exceeding 150 square feet. The structure shall be removed from November 15 through May 1.

(2) **Items for sale**. Only those items produced on the premises may be sold.

19.818 Standby electrical power generator
A standby electrical power generator shall not generate an average sound level of more than 65 dBA as measured at the property boundary line. Manufacturer test results may be used as a basis for determining the distance a unit would have to be placed from a property boundary line to meet this standard.

19.819 Storage container
(1) **Location**. A storage container on a commercially-zoned parcel shall:
  (a) not be located in a parking area required by this chapter;
  (b) only be located between the back of the building and rear lot line;
  (c) observe the setback requirements for the district in which located; and
  (d) not be located in a buffer as may be required by this code.
(2) **Number**. No more than one storage container shall be located on a commercially-zoned parcel.
(3) **Character**. A storage container shall be structurally sound and in good repair.
(4) **Signage**. A storage container may not be used for signage.

19.820 Swimming pool
(1) **Location**. A swimming pool shall not be located in a front yard.
(2) **Decking**. Decking is considered an integral part of the swimming pool and shall comply with all setback requirements.
(3) **Drainage**. Water that is drained out of a swimming pool shall not be allowed to flow onto adjoining property or into a city sewer without the approval of the public works director for the city.
(4) **Area**. The area occupied by a swimming pool shall not exceed 30 percent of the required yard area.
(5) **Outdoor lighting**. Outdoor lighting shall not shine onto adjoining property.
(6) **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.

19.821 Walk-up service window
A walk-up service window shall not be located within 8 feet of a required yard area, except as provided herein. In the Downtown Commercial District (C-2) along Broadway Avenue between the Wisconsin River and Church Street, a walk-up service window may front directly on a public sidewalk.

19.822 Wind energy system
(1) **Use**. A wind energy system shall be used primarily to produce electricity for on-site use.
(2) **Minimum lot size**. A wind energy system shall be located on a lot that is 3 acres or larger.
(3) **Placement**. The base of the unit shall be placed no closer to a property boundary line than two times the height of the unit. For example, a 75-foot high unit needs to be at least 150 from any property boundary line.

19.823 Yard shed
(1) **Location**. A yard shed shall not be located in a front yard.
(2) **Size**. A shed large enough to house a street legal vehicle would be considered a garage.
(3) **Type of Construction.** Soft-sided structures and canopies are specifically prohibited.

19.824 Reserved

19.825 Industrial District Retail
The retail sales and activities shall be ancillary and related to the products manufactured on premises and subject to such conditions as imposed by the city, including without limitation, are of retail space, hours of operation, parking and traffic flow. Any use accessory to the Industrial District Retail use, such as outdoor commercial activities, will be required to obtain permits or other approvals consistent with the requirements in the C-4 Commercial-Large Scale Zoning District.

19.826 Short Term Rentals
Short Term Rentals shall obtain a license form the City be subject to the provisions of City Ordinance Chapter 16.35.

19.827 to 19.899 reserved

Division 8
SPECIAL STANDARDS FOR TEMPORARY USES

Sections:

19.900	General provisions	19.905	Outdoor vendor
19.901	Circus	19.906	Seasonal product sale
19.902	Itinerant outdoor sales	19.907	Public Sidewalk café
19.903	On-site construction office	19.908	Snow disposal site
19.904	On-site real estate sales office	19.909	Street performance

19.900 General provisions

(1) **Generally**. Prior to establishment, all temporary uses shall obtain a temporary use permit from the city. The requirements listed in this section are intended to address land-use related issues. As such, the common council may adopt additional requirements relating to the permitting process, hours of operation, specific use requirements, hold harmless provisions, insurance, and others appropriate to the temporary use. At its discretion, the city may develop a single application for all temporary uses or develop an application for each use. No temporary use included in this chapter may be allowed until the city has developed an appropriate application and supplemental requirements.

(2) **Imposition of conditions**. Through the licensing/permitting process, the city may impose additional conditions to ensure that a temporary use does not negatively affect surrounding properties or the public health, safety, or welfare.

(3) **Transfer**. Permits issued by the city are not transferable to another person without the prior written consent of the entity issuing the authorization.

(4) **Temporary uses**. Temporary uses are allowed during a specified time period. When the permit expires, all rights conferred to the permit holder expire as well. The city is under no obligation to reissue a permit.

19.901 Circus

(1) **Proximity to specified districts**. No animal shall be on display or otherwise kept within 200 feet of a residential zoning district or a mixed-use zoning district.

(2) **State licensing**. A written permit shall be obtained from the Wisconsin Department of Agriculture, Trade and Consumer Protection for each animal imported into the state.

19.902 Itinerant sales

(1) **Time limits**. No parcel may be used more than 5 days in a month for itinerant sales or more than 20 days in a year.

(2) **Removal and clean up**. All features associated with the sale shall be removed within 48 hours following the termination of the sale.

(3) **Local licensing**. Prior to establishment of this use, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code as may be required.

19.903 On-site construction office

(1) **When allowed**. An on-site construction office may be established for commercial and industrial construction projects.

(2) **Time limits**. A construction office shall be removed within 2 weeks after the issuance of the last occupancy permit for the building under construction.

(3) **Limitation on use**. The use of the office shall be limited to construction management activities associated with the construction activities occurring on the parcel on which it is located.

(4) **Location**. On-site construction offices shall be placed in a location with the least impact to adjoining property owners.

19.904 On-site real estate sales office

(1) **When allowed**. An on-site real estate office may be established when the project is developed by a single developer and the project will have more than 25 dwelling units available for sale in the first two phases.

(2) **Appearance**. The building that houses the sales office shall be of the same type and character as the dwelling units being offered for sale within the development.

(3) **Time limits**. The office shall be closed when 80 percent of the dwelling units of the entire development have been sold.

(4) **Limitation on use**. The sales office is intended to facilitate the sale of residential housing occurring within the development in which it occurs and off-site sales activity shall be clearly incidental. The sales staff shall be limited to 2 licensed real estate agents and 1 support staff.

19.905 Outdoor vendor

(1) **Generally**. Outdoor vendors shall not be located on public property.

(2) **Location**. Outdoor vendors shall not be located within a front, side, or rear setback.

19.906 Seasonal product sales

(1) **Timing**. Merchandise cannot 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.

(2) **Local licensing**. Prior to establishment of this use, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code as may be required.

(3) **Sale of fireworks**. The sale of fireworks shall occur within a fully enclosed building.

19.907 Public Sidewalk café

(1) **Generally**. The provisions of this section provide the opportunity for restaurants in identified areas of the city to use adjoining public sidewalks for the purpose of providing outdoor seating.

(2) **Purpose**. The provisions of this section are intended to:

(a) Enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest;

(b) Enhance the appropriate use of existing public spaces;

(c) Increase economic activity in the area.

(3) **Approval.** Any proposed public sidewalk café must be approved by the Design Review Committee (DRC) prior to the use commencing.

(4) **Location.** The location of a public sidewalk café will be reviewed by the DRC on a case by case basis, with the following guidelines:

(a) A public sidewalk café shall be located directly in front of, or adjacent to the restaurant with which it is associated.

(b) A public sidewalk café may utilize public space in front of and against the building of an adjoining property only if written consent is given by the adjoining property owner.

(c) A public sidewalk café may utilize space in front of an adjoining property, along the curb, only if the property owner directly in front of that space in not utilizing that space.

(d) A public sidewalk café service area shall be contiguous.

(5) **Obstructions.** A public sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.

(6) **Pedestrian movement.** No portion of a public sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement. One Broadway, a minimum 6-foot wide unobstructed walkway is required by the WisDOT.

(7) **Planters.** Planters may be used as a visual amenity and to frame off the space allocated for the public sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.

(8) **Lighting.** Lighting shall be limited to table top lamps of low intensity. The building inspector may allow additional lighting to provide appropriate levels for safety.

(9) **Furnishings.** All furnishings shall fit the character of a public streetscape. An umbrella over each table may be permitted if it does not create an obstruction.

(10) **Floor covering.** A floor covering may not be used in the public sidewalk café.

(11) **Tables.** Round tables may not exceed 42 inches in diameter and square tables may not exceed 42 inches in width.

(12) **Food preparation.** All food shall be prepared within the restaurant.

19.908 Snow disposal site
Snow shall not be stored in a location where meltwater would flow directly into a stream or wetland.

19.909 Street performance
Prior to establishment of this use, the operator shall obtain a license from the city consistent with chapter 16 of the municipal code as may be required.

19.910 to 19.949 reserved

Division 9
WISCONSIN RIVER SHORELAND BUFFER OVERLAY DISTRICT

Sections:

19.950	Legislative findings	
19.951	Purpose	
19.952	Establishment of district	
19.953	Standards	

19.950 Legislative findings
The common council makes the following findings:

(a) The recreational use of the Wisconsin River in and around the city stimulates a significant level of economic activity and is directly attributable to the scenic qualities of the river, including the bluffs and vegetated shoreline.
(b) Natural resources and features found within the city contribute to the welfare of residents and visitors.
(c) Natural vegetation along rivers reduces the force of runoff entering the river; stabilizes river banks, thereby reducing bank erosion; provides habitat and shade for mammals and aquatic species; reduces thermal warming of water along the bank; and filters out some, but not all, of the pollutants and sediments that would otherwise flow into the river.

19.951 Purpose
This division promotes the public health, safety, and welfare and is intended to:

(a) protect scenic views along the river corridor, including those viewed from land looking out at the river and those viewed from the river looking out onto the adjoining lands;
(b) minimize warming of the river water;
(c) protect important riparian and upland habitat;
(d) minimize river bank erosion;

(e) protect the natural functions of the river, including the removal of excess water from the land and sediment and nutrient transport; and
(f) improve water quality.

19.952 Establishment of district

(1) **Designation**. Where depicted on the official zoning map, the Wisconsin River shoreland buffer overlay district shall extend inland from the ordinary high-water mark a horizontal distance of 200 feet.

(2) **Annexed lands**. Upon annexation, land along the Wisconsin River extending inland from the ordinary high-water mark a horizontal distance of 200 feet shall become a part of the overlay district. The city council may allow a lesser setback when it can be demonstrated that the 200-foot setback would result in an unnecessary hardship.

19.953 Development standards

(1) **Land uses**. Land shall remain undeveloped except that recreation trails and water-dependent land uses such as boat launches, boat docks, wharves, and the like may be allowed as a conditional use.

(2) **Existing vegetation**. Existing vegetation shall not be removed with the following exceptions:
(a) Removal of a tree that is dead, dying, or diseased provided a replacement tree is planted within this district and near the location where the tree was removed. Such replacement tree shall have a diameter at breast height of 1 inch and be of the same or similar species as the tree to be removed.
(b) Removal of a shrub provided a replacement shrub is planted within this district and near the location where the shrub was removed. Such replacement shrub shall be of the same or similar species as the shrub to be removed.
(c) Removal of existing vegetation to allow the establishment of a road or utility corridor provided the corridor is generally perpendicular to the river.
(d) Removal of noxious vegetation that poses a threat to health or safety (e.g., poison ivy).
(e) Removal of existing vegetation for the establishment of a path to the river that is no wider than 8 feet.

(3) **Natural features**. Natural features including rock outcroppings shall not be disturbed.

19.954 to 19.969 reserved

Division 10
WELLHEAD PROTECTION OVERLAY DISTRICT

Sections:

19.970	Legislative findings	19.977	Permitted uses
19.971	Authority	19.978	Conditional uses
19.972	Purpose	19.979	Separation standards
19.973	Responsibility of landowners and business operators	19.980	Design standards
		19.981	Operational standards
19.974	Establishment of zones	19.982	Changing technology
19.975	Depiction of district boundaries on zoning map	19.983	Spills, leaks, or discharges
		19.984	Nonconforming uses
19.976	Prohibited uses		

19.970 Legislative findings

The common council makes the following findings:
(a) City residents depend exclusively on ground water for a safe drinking water supply.
(b) Certain land use practices and activities can seriously threaten or degrade ground water quality.

19.971 Authority

Sec. 62.23 (7)(c), Wis. Stats., gives the city the authority to enact the provisions in this division.

19.972 Purpose

This division promotes the public health, safety, and welfare and is intended to help reduce the threat of contamination of the municipal water supply from land use activities.

19.973 Responsibility of landowners and business operators
Any person owning real property and/or operating a business within the wellhead protection overlay district has the responsibility to ensure compliance with the regulations in this division.

19.974 Establishment of zones
The wellhead protection overlay district is divided into two zones as follows:
(a) Zone 1 is the area within 600 feet of the well.
(b) Zone 2 is the area within the capture zone that lies beyond the 600-foot radius.

19.975 Depiction of district boundaries on zoning map
The boundaries of the wellhead protection overlay districts shall be shown on the zoning map.

19.976 Prohibited uses
The following uses are prohibited in zones 1 and 2:
(a) buried hydrocarbon, petroleum, or hazardous chemical storage tanks;
(b) cemeteries;
(c) chemical manufacturers (Standard Industrial Classification Major Group 28);
(d) coal storage;
(e) dry cleaners;
(f) industrial lagoons and pits;
(g) landfills and any other solid waste facility, except post-consumer recycling;
(h) manure and animal waste storage, except animal waste storage facilities regulated by the county;
(i) mining including sand and gravel pits;
(j) pesticide and fertilizer dealers, transfer or storage facilities, except products packaged for residential use;
(k) railroad yards and maintenance stations;
(l) rendering plants and slaughterhouses;
(m) salt or deicing material storage;
(n) salvage or junk yards;
(o) septage or sludge spreading, storage, or treatment;
(p) septage, wastewater, or sewage lagoons;
(q) private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more;
(r) stockyards and feedlots;
(s) storm water infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention;
(t) motor vehicle services, including filling and service stations, repair, renovation and body working; and
(u) wood preserving operations.

19.977 Permitted uses
(1) **Zone 1**. The following uses, except those otherwise prohibited in sec. 19.976, are permitted by right in zone 1 subject to the separation distance requirements listed in sec. 19.979, design standards listed in sec. 19.980, and operational standards listed in sec.19.981:
(a) public and private parks, playgrounds, and beaches, provided there are no on-site wastewater disposal systems or holding tanks;
(b) wildlife and natural and woodland areas;
(c) biking, hiking, skiing, nature, equestrian and fitness trails;
(d) municipally sewered residences;
(e) municipally sewered commercial and industrial establishments that do not use regulated substances; and
(f) routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
(2) **Zone 2**. The following uses, except which are otherwise prohibited in sec. 19.976, are permitted by right in zone 2 subject to the separation distance requirements listed in sec. 19.979, design standards listed in sec. 19.980, and operational standards listed in sec.19.981:
(a) all uses permitted in zone 1;
(b) public parks, playgrounds, and beaches, provided onsite wastewater is discharged to a holding tank or municipal sewer;
(c) residential use of above-ground LP gas tanks for heating, not to exceed 1,000 gallons;

(d) commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of regulated substances does not exceed 20 gallons or 160 pounds at any time, except under the following circumstances (1) the regulated substance is used for non-routine maintenance or repair of property or equipment, and the aggregate of regulated substances does not exceed 50 gallons or 400 pounds at any time; (2) the regulated substance is used for medical purposes or by a research laboratory and is stored, handled, or used in containers not to exceed 5 gallons or 40 pounds of each substance and the aggregate inventory of regulated substances does not exceed 250 gallons or 2,000 pounds; and (3) the regulated substances are cleaning agents (but not including hydrocarbon or halogenated hydrocarbon solvents) and are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and the aggregate inventory of such cleaning agents does not exceed 100 gallons or 800 pounds at any time.

19.978 Conditional uses

The use, storage, handling, or production of regulated substances in excess of quantities outlined in sec. 19.979 (2) may be allowed as a conditional use in zone 2.

19.979 Separation distance requirements

The following separation distances as specified in sec. NR 811.16, Wis. Adm. Code, as amended, shall be maintained:

(a) Fifty feet between a public well and a storm sewer main.

(b) Two hundred feet between a public well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

(c) Four hundred feet between a public well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery, or a storm water drainage pond.

(d) Six hundred feet between a public well and any gasoline or fuel oil storage tank installation that has received written approval from the department of commerce or its designated agent under sec. Comm 10.10, Wis. Admin. Code.

(e) One thousand feet between a public well and land application of municipal, commercial or industrial waste; the boundaries of a landspreading facility for spreading of petroleum–contaminated soil regulated under chapter NR 718, Wis. Admin. Code, while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.

(f) Twelve hundred feet between a public well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual ground water contamination that exceeds chapter NR 140, Wis. Admin. Code, enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the department of commerce or its designated agent under sec. Comm 10.10, Wis. Admin. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

19.980 Design standards

(1) **Zone 1**. The following design standards apply to land use activities allowed within zone 1:

(a) All parking lots shall be paved with asphalt or concrete. Use of drywells or other subsurface drains is prohibited.

(b) All storm water retention/infiltration ponds shall be designed to maximize natural filtration. The city engineer may require the design to include spill containment measures, initial and secondary detainment weirs, and outfall control valves as deemed appropriate.

(2) **Zone 2**. The following design standards apply to conditional uses allowed within zone 2:

(a) All design standards listed above for zone l.

(b) Facilities that handle regulated substances shall have a minimum of one loading/unloading area designated for the handling of regulated substances. The designated loading/unloading area shall be designed with spill and/or runoff containment. The loading/unloading area shall be designed to minimize precipitation or storm water run on from entering the sanitary sewer. Regulated substances may be loaded/unloaded only in a designated handling area.

(c) Storage areas for regulated substances shall be designed with secondary containment capable of controlling 125 percent of the maximum design capacity of the liquid storage area.
(d) Facilities involved in the handling of regulated substances will, when determined necessary by the ground water technical review committee, prepare a ground water monitoring plan.
(e) All rail spurs used to transport regulated substances shall be designed to minimize infiltration and convey runoff to a storm water conveyance system. Rail car loading/unloading areas used to handle regulated substances shall be designed with spill and/or runoff containment. The loading/unloading area shall be designed to minimize precipitation or storm water run on from entering the sanitary sewer.

19.981 Operational standards

(1) **Zone 1**. The following operational standards apply to land use activities allowed within zone 1:
(a) No outdoor storage of product, material, or equipment other than that approved through the provisional use permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.
(b) Regulated substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the ground water protection overlay district, provided such regulated substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or ground water. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for 30 days, all regulated substances shall be removed from the site until such time as the construction activity resumes.
(c) The use of deicing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.

(2) **Zone 2**. The following operational standards apply to conditional uses permitted within zone 2:
(a) All operational standards listed above for zone l.
(b) Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of 30 consecutive days shall remove all regulated substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within 30 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the regulated substances on the property until they have been removed. No later than the day after the operation ceases or the property becomes unoccupied, the owner or operator shall notify the city building inspector in writing of the date of the cessation, and the owner's name, phone number, and address and the operator's name, phone number, and forwarding address.
(c) Truck, truck trailer, rail car, or tank truck loading and unloading procedures for regulated substances shall meet the minimum requirements of the U.S. Department of Transportation and Wisconsin Department of Transportation.
(d) No truck, trailer, rail car, or tank truck shall be used for onsite storage of a regulated substance. Regulated substances shall be transferred from the delivery vehicle to the regulated substance storage area as soon as feasibly possible and shall only occur in designated loading/unloading areas.
(e) Warning signs and chock blocks shall be provided in the loading and unloading area to prevent premature vehicular departure.
(f) Daily visual inspections of regulated substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, excessive accumulation of water in outdoor curbed areas, and to ensure that dike drain valves are securely closed in outdoor curbed areas.
(g) Storage areas for regulated substances shall have access restricted to properly authorized and trained personnel.
(h) The owner/owner shall maintain spill response equipment and supplies onsite to contain and cleanup spills of regulated substances.
(i) The owner/owner shall give personnel handling regulated substance adequate training to ensure they understand established operational safety plans and contingency plans. In addition, an annual spill prevention briefing shall be held to highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.
(j) Instructions and phone numbers for reporting spills to the city fire department and other local, state, and federal agencies shall be posted in areas where regulated substances are handled.

19.982 Changing technology

(1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the ground water resource. As the technology of other uses change to low or non-risk materials or methods, upon petition from such use, after conferring with the ground water technical review committee or other expert opinion, and after appropriate public notice and hearing, the city, through appropriate procedures and actions to change these provisions of the municipal code, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a ground water pollution hazard.

(2) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. 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 ground water hazard.

19.983 Spills, leaks, or discharges

(1) If a spill, leak, or discharge escapes containment or contacts a pervious ground surface and is not immediately and completely remediated, any person with direct knowledge of the even shall within 30 minutes of the event give notice to the city fire department utilizing the countywide 911 service and the superintendent of public works or the operator on duty at the affected or potentially affected water treatment facility. The notification shall include at a minimum, the location of the incident, name, and telephone number of the contacting party, date, and time thereof, type of substance(s), concentration, and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations.

(2) Any person who spills, leaks, or discharges a regulated substance shall be liable for any reasonable expense, loss, or damage incurred by the city in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.

19.984 Nonconforming uses

A nonconforming use is allowed to continue and exist provided it meets the standards outlined in sec. 19.1204 (article 7).

Article 6
PARKING STANDARDS

Divisions:

1. General provisions
2. Vehicle parking
3. Bicycle parking
4. Loading areas

Division 1
GENERAL PROVISIONS

Sections:

19.1000	Legislative findings	19.1002	Applicability
19.1001	Purpose	19.1003	Calculations

19.1000 Legislative findings

The common council makes the following findings:

(a) 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.
(b) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.
(c) Excessive 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.
(d) Special standards are needed to accommodate the needs of the disabled.
(e) A growing number of people use or would like to use bicycles for recreation, commuting, and general transportation.
(f) Inadequate bicycle parking facilities and fear of theft can be major deterrents to bicycle transportation.
(g) 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.
(h) Parking lots and their access represent a vital connection between the local transportation network and land development.
(i) Incorrectly designed parking lots and site access have negative impacts on the site itself, the adjacent and nearby public roadways and the image of the business community and the city.

19.1001 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

(a) increase the safety and capacity of public streets by requiring off-street parking or off-street loading facilities;
(b) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods through the requirement of design and maintenance standards;
(c) lessen congestion and prevent the overtaxing of public streets by regulating the location and capacity of accessory off-street parking or off-street loading facilities;
(d) maintain and enhance a safe and efficient transportation system;
(e) provide adequate and safe facilities for the storage of bicycles; and
(f) minimize impervious surfaces.

19.1002 Applicability

(1) **New construction/uses**. For all buildings and structures erected and all uses of land established after the effective date of this chapter, facilities required in this part shall be provided as specified.
(2) **Same use with an increase in intensity of use**. When a building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other unit of measurement specified herein, facilities required in this chapter shall be provided for the amount being added.

(3) **Change in use**. When an existing use is changed to a new use, facilities required in this article shall be provided as required for such new use. However, if the building or structure housing the new use was erected prior to the effective date of this chapter, facilities required in this article shall be provided in the amount to account for the difference between the new and old use.

(4) **Restriping**. When a parking area is restriped, accessible parking spaces as required shall be marked and designated consistent with this article.

19.1003 Calculations

When a calculation results in a fraction, the minimum shall be rounded up to the next whole number.

19.1004 to 19.1099 reserved

Division 2
VEHICLE PARKING

Sections:

19.1100	General requirements	19.1105	Shared parking
19.1101	Minimum off-street parking requirements	19.1106	Accessible parking and passenger loading
19.1102	Construction and maintenance requirements	19.1107	Passenger loading zone
19.1103	Design requirements		
19.1104	Payment in lieu of parking		

19.1100 General requirements

(1) **Location of parking**. All parking spaces provided pursuant to this article shall be on the same lot or an adjoining lot with the building, except that the zoning administrator may permit the parking spaces to be on a lot within 400 feet of the lot served by the parking lot if he determines that it is impractical to provide parking on the same or adjoining lot.

(2) **Off-site parking agreements**. If required parking is to be provided off-site, the use of such a site for parking shall be secured with a long-term agreement acceptable to the city attorney and recorded with the county clerk. The city shall be named in that agreement as one of the parties with rights of enforcement.

(3) **Change in use**. Any area once designated as required parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, in accordance with this article.

(4) **Accessibility**. All parking spaces shall be accessible at all times, from a street, alley, or driveway intended to serve such parking.

(5) **Use of parking spaces**. The required off-street parking shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited. In addition, the use of a parking lot for overnight camping, including recreational vehicle camping, is prohibited.

(6) **Restrictions on Recreational Vehicles**. It shall be unlawful, except as provided in this Code, for any person to park any recreational vehicle which is situated outside an approved campground or camping resort. The parking of only one unoccupied recreational vehicle which in an accessory private garage building or in a rear yard (in compliance with 5 foot set-back from property line) is permitted, provided no living quarters shall be maintained or any business practiced in said recreational vehicle while such is so parked or stored.

(7) **Exception**. Parking requirements do not apply to the C-2 Downtown Commercial zoning district.

19.1101 Minimum off-street parking requirements

(1) **Minimum number of spaces**. The number of off-street parking spaces required shall be no less than as set forth in exhibits 6-1, 6-2, and 6-3, except as otherwise provided for in this article.

(2) **Maximum number of spaces**. The number of parking spaces provided in a ground surface parking lot may not exceed the minimum number by more than 20 percent. However, there shall be no limitation on the number of parking spaces provided when the spaces exceeding the minimum are located in a parking garage or similar structure. Any additional ground parking spaces above 20 percent shall be allowed only as a conditional use and shall be granted upon a finding that additional spaces are needed for that particular use and/or location.

(3) **Unspecified uses**. For uses not specifically listed in this table, parking requirements shall be based on the most comparable use.

(4) **Mixed use requirements**. For mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various 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 herein provided.

(5) **Compact cars.** Up to 10 percent of the required number of parking spaces may be sized for compact cars.

Exhibit 6-1. Off-street parking standards

1.0	Agriculture	Standard
1.1	Agriculture, horticulture	On-site parking not required
1.2	Agriculture, livestock	On-site parking not required
1.3	Greenhouse	1 space for each employee on the largest work shift
2.0	**Resource-Based Uses**	
2.1	Aggregate extraction operation	1 space for each employee on the largest work shift
2.2	Forestry	On-site parking not required
2.3	Game farm	On-site parking not required
2.4	Hunting and fishing preserve	On-site parking not required
3.0	**Residential**	
3.1	Mobile home park	2 spaces for each designated mobile home/manufactured home space; plus 1 space for visitor parking for each 8 dwelling units
3.2	Residence, single-family detached	2 spaces
3.3	Residence, two-family	2 spaces for each dwelling unit
3.4	Residence, multi-family	2 spaces for every dwelling unit; plus 1 space for visitor parking for every 8 dwelling units if the building fronts a street with no on-street parking
3.5	Residence, townhouse	2 spaces for every dwelling unit; plus 1 space for visitor parking for every 8 dwelling units if the building fronts a street with no on-street parking
4.0	**Special Care Facilities**	
4.1	Adult family home	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
4.2	Community living arrangement, type I	3 spaces for each building
4.2	Community living arrangement, type II	4 spaces for each building
4.2	Community living arrangement, type III	5 spaces for each building
4.3	Emergency shelter	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
4.4	Foster home and treatment foster home	1 space for each employee on the largest work shift
4.5	Group day care center	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
4.6	Nursing home	1 space for each 3 beds, plus 1 space for each employee on the largest work shift
4.7	Retirement home	1 space for each unit; plus 1 space for each employee on the largest work shift
5.0	**Group Accommodations**	
5.1	Campground	1 space at each camping space, plus 1 space for every 15 camping spaces located at the office if one is provided
5.2	Group camp	1 space at each camping space, plus 1 space for every 15 camping spaces located at the office if one is provided
5.3	Seasonal Workforce Housing facility	1 space for each 400 square feet in each sleeping room
5.4	Managed condominium project	1.5 space for each dwelling unit, plus 1 space for each employee on the evening work shift
5.5	Overnight lodging	1 space for each guest room; plus 1 space for each employee on the evening work shift
5.6	Resort	1 space for each guest room; plus 1 space for each employee on the evening work shift
5.7	Timeshare project	1.5 space for each dwelling unit, plus 1 space for each employee on the evening work shift

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Exhibit 6-1. Off-street parking standards - continued

6.0	**Food and Beverage Sales**	
6.1	Micro-brewery	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 space for each employee on the largest work shift
6.2	Restaurant	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 space for each employee on the largest work shift
6.3	Tavern	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 space for each employee on the largest work shift
7.0	**General Sales**	
7.1	Agriculture sales	1 space for each 1,000 square feet of display area; plus 1 space for each 300 square feet of gross floor area used as office space
7.2	Auction sales	1 space for each 300 square feet of gross floor area
7.3	Construction materials sales	1 space for each 1,000 square feet of display area
7.4	Convenience sales	1 space for each 300 square feet of gross floor area
7.5	General sales	1 space for each 300 square feet of gross floor area
7.6	Manufactured housing sales	1 space for each 4,000 square feet of display area
7.7	Off-site liquor sales	1 space for each 300 square feet of gross floor area
7.8	Secondhand sales	1 space for each 300 square feet of gross floor area
7.9	Shopping center	1 space for each 300 square feet of gross floor area
7.10	Specialty sales	1 space for each 300 square feet of gross floor area
8.0	**General Services**	
8.1	Administrative services	1 space for each 300 square feet of gross floor area
8.2	Body-piercing establishment	1 space for each 300 square feet of gross floor area
8.3	Commercial kennel	1 space for each 1,000 square feet of gross floor area
8.4	Financial services	1 space for each 300 square feet of gross floor area
8.5	Funeral home	1 space for each 3 patron seats at the maximum capacity; plus1 space for each employee on the largest work shift
8.6	General services	1 space for each 300 square feet of gross floor area
8.7	Professional services	1 space for each 300 square feet of gross floor area
8.8	Sexually-oriented business	1 space for each 300 square feet of gross floor area
8.9	Tattoo establishment	1 space for each 300 square feet of gross floor area
8.10	Veterinary clinic, large animal	1 space for each 300 square feet of gross floor area
8.10	Veterinary clinic, small animal	1 space for each 300 square feet of gross floor area
9.0	**Rental and General Repair**	
9.1	General repair	1 space for each 450 square feet of gross floor area
9.2	Large equipment rental	1 space for each 2,000 square feet of outdoor display area; plus 1 space for each employee at the largest work shift
9.3	Small equipment rental	1 space for each 600 square feet of gross floor area
10.0	**Vehicle Trade and Service**	
10.1	Specialty vehicle sales and rental	1 space for each 300 square feet of gross floor area
10.2	Vehicle fuel sales	1 space for each 300 square feet of gross floor area
10.3	Vehicle repair	1 space for each 300 square feet of gross floor area; plus adequate parking for temporary vehicle storage
10.4	Vehicle sales and rental	1 space for each 500 square feet of gross floor area
10.5	Vehicle services	1 space for each service bay
11.0	**General Storage**	
11.1	Agricultural commodity storage facility	1 space for each employee on the largest work shift; plus 1 space for each 300 square feet of gross floor area devoted to office use
11.2	Fuel tank farm	1 space for each employee on the largest work shift; plus 1 space for each 300 square feet of gross floor area devoted to office use
11.3	Mini-storage facility	1 space for each 50 rental units when an office is provided; plus 1 space for each employee on the largest work shift
11.4	Truck terminal	1 space for each employee on the largest work shift; plus 1 space for each 300 square feet of gross floor area devoted to office use
11.5	Warehouse	1 space for each employee on the largest work shift; plus 1 space for each 300 square feet of gross floor area devoted to office use

Table continues on next page

Exhibit 6-1. Off-street parking standards - continued

12.0	***Recreation / Sports / Entertainment***	
12.1	Amusement ride	1 space for each 3 seats provided by the ride
12.2	Animal menagerie	1 space for each 100 feet of outdoor display area devoted to the use
12.3	Casino	1 space for each 300 gross square feet of area devoted to patron services, whichever is greater; plus 1 space for each employee at the largest work shift
12.4	Indoor entertainment	1 space for each 3 patron seats; plus 1 space for each employee at the largest work shift
12.5	Indoor recreation	1 space for each 3 patron seats or 1 space for each 300 gross square feet of area devoted to patron services, whichever is greater; plus 1 space for each employee on the largest work shift
12.6	Golf course / driving range	36 spaces for each 9 holes of golf; plus 1 space for each employee on the largest work shift Note: 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.
12.7	Miniature golf	1 space for each hole
12.8	Outdoor entertainment	1 space for each 3 patron seats at maximum capacity
12.9	Park	1 space for each 3 patrons at peak use period
12.10	Recreational trail	1 space for each 3 patrons at peak use period
12.11	Sports/fitness	1 space for each 200 square feet of gross floor area
13.0	**Community Services / Uses**	
13.1	Administrative governmental center	1 space for each 300 square feet of gross floor area
13.2	Animal shelter	1 space for each 600 square feet of gross floor area; plus 1 space for each employee on the largest work shift
13.3	Cemetery	1 space for each 250 square feet of gross floor area or 1 space for every 4 seats at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
13.4	Civic use facility	1 space for each 250 square feet of gross floor area or 1 space for every 4 seats at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
13.5	Community center	1 space for each 250 square feet of gross floor area or 1 space for every 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
13.6	Community cultural facility	1 space for each 250 square feet of gross floor area or 1 space for every 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
13.7	Community garden	1 parking space for every 8 garden plots
13.8	Public safety facility	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
13.9	Worship facility	1 space for each 5 seats at maximum design capacity
14.0	**Health Care**	
14.1	Health care office	1 space for each examination room or equivalent; plus 1 space for each 300 square feet of gross floor area not devoted to examinations
14.2	Health care center	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
15.0	**Education**	
15.1	Commercial education facility	1 space for each student at the largest period of attendance; plus 1 space for each employee on the largest work shift
15.2	Educational facility (K-12)	0.5 spaces 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
15.3	Educational facility (higher education)	0.5 space for each student at the largest class attendance period; plus 1 space for each employee on the largest work shift
15.4	Instructional facility	1 space for each student at the largest period of attendance; plus 1 space for each employee on the largest work shift
16.0	**Solid Waste Management**	
16.1	Composting facility	1 space for each employee on the largest work shift
16.2	Recycling center	1 space for each employee on the largest work shift
16.3	Solid waste transfer station	1 space for each employee on the largest work shift

Table continues on next page

Exhibit 6-1. Off-street parking standards - continued

17.0	**Telecommunications and Utilities**	
17.1	Concealed telecommunications antennae	1 space located near the facility, if no other parking is provided
17.2	Unconcealed telecommunications antennae	1 space located near the facility, if no other parking is provided
17.3	Utility installation	1 space for each employee working at the site on the largest work shift; plus 1 space for each fleet vehicle housed on site
18.0	**Transportation**	
18.1	Bus/rail transit terminal	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
18.2	Marina	1 space for each 2 boat slips
18.3	Parking lot, off-site	On-site parking not required
18.4	Parking structure	On-site parking not required
18.5	Railroad line	On-site parking not required
18.6	Street	On-site parking not required
18.7	Taxi cab dispatch terminal	1 space for each 300 gross square feet of office area; plus 1 space for each fleet vehicle housed on site
19.0	***Industrial***	
19.1	Artisan shop	1 space for each 300 square feet of floor area devoted to display of merchandise; plus 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle housed on site
19.2	Contractor yard	1 space for each employee working on site; plus 1 space for each fleet vehicle parked on site
19.3	Industrial, heavy	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
19.4	Industrial, light	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

any use in the Downtown District (C-2), except commercial lodging. Upon petition, the Plan Commission may waive or reduce parking requirements in the Commercial Neighborhood District (C-1) if a public parking lot is in close proximity to the parcel.

Exhibit 6-2. Accessory uses by district

20.0	Accessory Use	Standard
20.1	*Adult family home*	On-site parking not required
20.2	*Amateur radio station*	On-site parking not required
20.3	ATM, exterior	On-site parking not required
20.3	ATM, interior	On-site parking not required
20.4	Bed and breakfast	1 space for each room
20.5	Boat dock	On-site parking not required
20.6	Drive-up service window	On-site parking not required
20.625	Exterior Activity Area	1 space per 3 patrons or 1 space for each 300 square feet of area devoted to patrol service, whichever is greater; plus 1 space for each employee dedicated to the accessory use.
20.7	Family day care home	On-site parking not required
20.8	Fence	On-site parking not required
20.9	Foster home and treatment foster home	On-site parking not required
20.10	Garage, nonresidential	On-site parking not required
20.11	Garage, residential	On-site parking not required
20.12	Home occupation	1 space for a company vehicle; plus 1 space when sufficient on-street parking is not available
20.13	Outdoor commercial food and beverage service	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater; plus 1 space for each employee on the largest work shift
20.135	Small scale outdoor commercial food and beverage	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater; plus 1 space for each employee on the largest work shift
20.14	Outdoor display incidental to indoor sales	On-site parking not required
20.15	Outdoor furnace	On-site parking not required
20.16	Parking lot, on-site	On-site parking not required
20.17	Play structure (residential)	On-site parking not required
20.18	Private kennel	On-site parking not required
20.19	Private stable	On-site parking not required
20.20	Roadside produce market	1 space for each 300 square feet of display area (enclosed and unenclosed)
20.21	Standby electrical power generator	On-site parking not required
20.22	Storage container	On-site parking not required
20.23	Swimming pool (residential)	On-site parking not required
20.24	Upper-floor residential	2 spaces for each dwelling unit (The plan commission may waive this requirement in whole or in part in the C-2 district when ample public parking is available.)
20.25	Walk-up service window	On-site parking not required
20.26	Wharf	On-site parking not required
20.27	Wind energy system	On-site parking not required
20.28	Yard shed (residential)	On-site parking not required
20.29	Industrial District Retail	1 space per 3 seats or 1 space or 1 space per 300 square feet whichever is greater; plus 1 space per employee
20.30	Short Term Rental	1.25 spaces for each 4 occupants based upon maximum occupancy.

Exhibit 6-3. Temporary uses by district

21.0	Temporary Use	Standard
21.1	Circus	1 space for each 3 patron seats
21.2	Farmers' market	1 space for each 2 vendor spaces when sufficient on-street parking is not available
21.3	Itinerant outdoor sales	1 space for each 100 feet of outdoor display area when sufficient on-street parking is not available
21.4	On-site construction office	On-site parking not required
21.5	On-site real estate sales office	2 spaces
21.6	Outdoor vendor	On-site parking not required
21.7	Seasonal product sales	1 space for each 100 feet of outdoor display area when sufficient on-street parking is not available
21.8	Sidewalk café	On-site parking not required
21.9	Snow disposal site	On-site parking not required
21.10	Street performance	On-site parking not required

19.1102 Construction and maintenance requirements

(1) **Surfacing**. All off-street parking areas shall be surfaced and maintained with cement or asphaltic concrete in accordance with standards prescribed by the city engineer. Parking areas for those land uses listed as Agriculture or Resource-Based in exhibit 6-1 may be surfaced with gravel.

(2) **Border barricades**. Every parking area located adjacent to a property line shall be provided with a suitable curb (asphalt or concrete) so as to protect the adjacent property. Such curb shall be placed at least 2 feet from the property line to prevent extension of vehicles beyond the property line.

19.1103 Design requirements

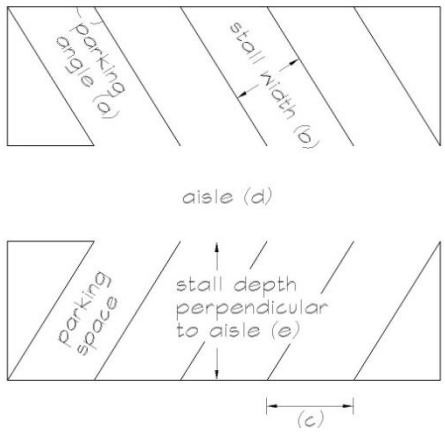
(1) **Parking space dimensions**. Standard and compact parking spaces shall conform to the dimensions in exhibit 6-4.

(2) **Service drive, when required**. Groups of 3 or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a public right of way, other than an alley, will be required.

(3) **Service drive standards**. Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress and maximum safety of pedestrian and vehicular traffic on the site, and meet the dimensional standards in exhibit 6-4.

Exhibit 6-4. Dimensional standards for standard and compact parking spaces

Angle (a)	Parking Type	Stall Width (b)	Curb Length (c)	1-Way Aisle Width (d)	2-Way Aisle Width (d)	Stall Depth (e)
0°	Standard	9 ft.	22 ft.	12 ft.	24 ft.	9 ft.
	Compact	8 ft.	19 ft. 6 in.	12 ft.	24 ft.	8 ft
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	8 ft.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	8 ft.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	8 ft.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	25 ft.	19 ft.
	Compact	8 ft.	8 ft.	22 ft.	24 ft.	15 ft.



19.1104 Shared parking

There may be instances where 2 or more land uses could share the same parking facilities as shown in exhibit 6-5. The zoning administrator may, upon application, authorize the joint use of parking facilities required by said uses, provided that:

(a) 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.

(b) The parking facility for which joint use is proposed shall be located within 400 feet of the building or use required to provide parking.
(c) The parties concerned in the joint use of off-street parking facilities shall evidence 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 county register of deeds and a copy filed with the zoning administrator.
(d) Directional signage is provided where appropriate.
(e) Pedestrian links are direct, clear, and safe.
(f) Parking lots are located within the same zoning district as the use they serve.

Exhibit 6-5. 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		

19.1105 Accessible parking and passenger loading

(1) **Generally**. Accessible parking spaces shall be provided subject to this part, the Americans with Disability Act (ADA), "ADA Standards for Accessible Design" 28 CFR 36, revised as of July 1, 1994, and amendments thereto.

(2) **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 6-6. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

Exhibit 6-6. Minimum number of required accessible parking spaces

Total number of required parking spaces	Minimum 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

(3) **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.

(4) **Dimensions**. Accessible parking spaces shall be at least 96 inches wide.

(5) **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.

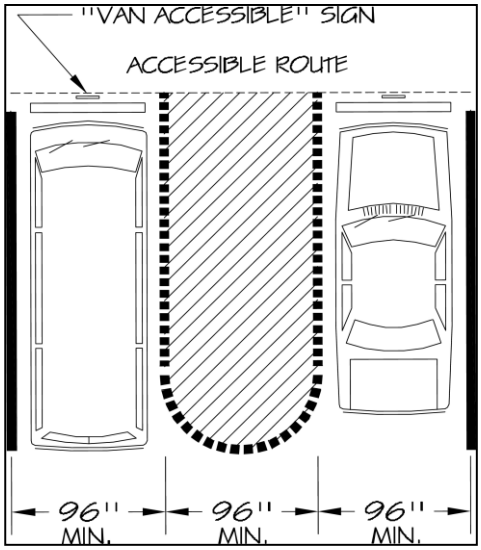
(6) **Maximum slope**. Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.

(7) **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 (a minimum of 6 feet in height).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.

(8) **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. (See exhibit 6-7)

(9) **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 isle. (See exhibit 6-7) An access isle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

Exhibit 6-7. Layout of standard and van accessible parking spaces



19.1106 Passenger loading zone

If a passenger loading zone is provided in the project, then at least one shall be accessible pursuant to this article.

19.1107 to 19.1199 reserved

Article 7
NONCONFORMITIES

Sections:

19.1200	Legislative findings	19.1204	Special provisions for a nonconforming use with respect to wellhead protection overlay district
19.1201	Nonconforming lot	19.1205	Nonconforming structure
19.1202	Nonconforming use		
19.1203	Special provisions for a nonconforming outdoor furnace		

19.1200 Legislative findings

The common council makes the following findings:

(a) Within the districts established by this code, or within districts established or changed by future amendment, there may existing lots, uses, and structures that were lawful before the adoption of this code, or amendment, but that are nonconforming under the provisions of this code or amendment.

(b) It is reasonable to generally allow, but not encourage, nonconformities to continue until such time as they are removed or discontinued.

(c) Nonconformities that are removed, discontinued, changed, extended, or enlarged shall be made to conform with the regulations that apply to all other parcels of land within the district.

(d) It is reasonable to allow a nonconforming use to resume in certain circumstances if the structure in which it takes place is only partially damaged or destroyed.

19.1201 Nonconforming lot

(1) **Occupied nonconforming lot not contiguous to vacant lot in same ownership**. If an occupied nonconforming lot of record is not contiguous to a vacant lot in the same ownership or if an occupied nonconforming lot is contiguous to another occupied lot in the same ownership, then the lot may be transferred and used for any use permitted in the district, provided the lot can comply with all other applicable regulations.

(2) **Vacant nonconforming lot not contiguous to other lot in same ownership**. If a vacant nonconforming lot of record is not contiguous to another lot (vacant or occupied) in the same ownership, then the lot may be transferred and used for any use permitted in the district, provided the lot can comply with all other applicable regulations.

(3) **Vacant nonconforming lot contiguous to other lot in same ownership**. If a vacant nonconforming lot of record is contiguous to another lot (vacant or occupied) in the same ownership, then the lots shall be aggregated to comply with the dimensional standards to the greatest extent possible.

(4) **Exception**: If a vacant nonconforming lot of record is contiguous of another lot in the same ownership and the lot conforms to the standards of surrounding lots, i.e. the lots were platted as a development of lots that met the standards of the time of their creation, then the lot may be transferred and used for any use permitted in the district, provided the lot can comply with all other applicable regulations.

19.1202 Nonconforming use

(1) **Generally**. A nonconforming use of land or a nonconforming use of a structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) **Change in extent**. A nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed at the effective date of this code or any amendment thereto that creates said nonconforming use.

(b) **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 at the effective date of this code or any amendment thereto which creates said nonconforming use.

(c) **Change in use**. A nonconforming use may be changed to a different nonconforming use consistent with article 4.

(d) **Cessation of use**. If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 months, any subsequent use of such land or structure shall conform to this code, except as provided for in this section.

(e) **Discontinuance due to damage**. If the structure housing a nonconforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the nonconforming use may resume, subject to the following conditions:

1. reconstruction or repairs to the damaged structure are complete within 2 years following the date of such damage;
2. the nonconforming use resumes immediately following the completion of the reconstruction or repairs to the structure; and
3. the area of the structure devoted to the nonconforming use shall not exceed its original area.

(2) **Causal, occasional, accessory, or incidental use**. Causal, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.

(3) **Nonconforming use also as a public nuisance**. A nonconforming use, regardless of its duration, may be prohibited or restricted if it also constitutes a public nuisance or is harmful to the public health, safety, or welfare.

(4) **Change of production**. A change in the method or quantity of production and the incorporation of new technology into the business shall be permitted provided the original character of the use remains the same.

(5) **Unsafe conditions, ordinary maintenance, and remodeling**. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, ordinary repair and maintenance, or remodeling, provided that the work conforms to the provisions in this chapter.

19.1203 Special provisions for a nonconforming outdoor furnace

Within 90 days of enactment of this code, a nonconforming outdoor furnace shall meet the following as outlined in division 6 of article 5:

(a) types of material burned (sec. 19.813 (1));
(b) venting stack requirements (sec. 19.813 (2));
(c) requirements for a locking device (sec. 19.813 (3)); and
(d) air quality and emission standards (sec. 19.813 (4)).

19.1204 Special provisions for a nonconforming use with respect to wellhead protection overlay district

Land uses existing at that time this code is enacted and which do not meet the requirements of the wellhead protection overlay district shall be subject to the following requirements as appropriate:

(a) The owner/operator of such facility shall provide to the city 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.
(b) The owner/operator of such facility shall prepare, file, and maintain with the city, a current contingency plan, to the satisfaction of the city, which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notification of municipal, county, and state officials.
(c) Such facilities cannot change the quantity or type of regulated substances handled, used, or stored by the facility at the time of enactment of a district unless a conditional use permit is granted for such change in quantity or type.

19.1205 Nonconforming structure

(1) **Generally**. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
   (a) Change in extent. A nonconforming structure shall not be enlarged or altered in a way to increase its nonconformity.
   (b) Discontinuance due to damage. If a nonconforming structure is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation after _____ , it may be restored to its condition prior to the damage, except the structure may be larger when necessary to comply with state or federal requirements. (See sec. 62.63 (7) (hc) Wis. Stats.)

(2) **Unsafe conditions, ordinary maintenance, and remodeling**. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, ordinary repair and maintenance, or remodeling, provided that the work conforms to the provisions in this chapter.

Appendix A

The following information should be provided for each type of application to the extent applicable to the project.

			Project Maps		
Project Information	**Site Plan**	**PDD Project Plan**	**Conditional Use**	**Zoning Map Amendment**	**Variance**
Project name (e.g., business name, subdivision name)	X	X	X	X	X
Applicant name	X	X	X	X	X
Preparation date	X	X	X	X	X
Name of preparer		X			
Survey Information					
North arrow and graphic scale	X	X	X	X	X
Address of subject parcel or legal description	X	X	X	X	X
Property boundaries	X	X	X	X	X
Acreage of subject parcel	X	X	X	X	X
Project Development Information					
Land use summary table by density/intensity and acreage		X			
Easements/rights-of-ways (location, width, purpose, ownership)	X	X	X		X
Common areas/conservancy areas (location, purpose, ownership)	X	X	X		
Land to be dedicated to the public (boundaries, area, purpose)		X			
Setting					
Property boundaries within ____ feet of the subject parcel	X (50')	X (150')	X (150')	X (150')	X (50')
Land uses within ____ feet of the subject parcel	X (50')	X (150')	X (150')	X (150')	X (50')
Zoning district boundaries within ____ feet of the subject parcel	X (50')	X (150')	X (150')	X (150')	X (50')
Municipal boundaries within ____ feet of the subject parcel	X (50')	X (150')	X (150')	X (150')	X (50')
Site Features (Existing and Proposed)					
Ground contours when any slope exceeds 10 percent	X	X			
Wetlands	X	X	X		X
Woodlands	X	X	X		X
Wildlife habitat, including critical wildlife habitat	X	X	X		X
Environmentally sensitive features	X	X	X		X
Water resources (rivers, ponds, etc.)	X	X	X		X
Floodplain boundaries	X	X	X		X
Environmental and man-made hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, high-pressure natural gas lines, and others as appropriate	X	X	X		X
Fences, buffers, and berms	X	X	X		X
Pervious and impervious surfaces by type	X	X			
Site amenities (benches, fountains, etc.)	X	X			X
Existing trees and other prominent vegetation	X	X	X		
Trees / shrubs to be planted, including a plant list and specs.	X	X			
Trees / shrubs to be retained	X	X			
Outdoor Lighting (Existing and Proposed)					
Location	X	X			
Fixture specifications	X	X			
Utilities (Existing and Proposed)					
Location	X	X			
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X	X			
Size/capacity, if applicable		X			

Stormwater Facilities (Existing and Proposed)	Site Plan	PDD Project Plan	Project Maps: Conditional Use	Project Maps: Zoning Map Amendment	Variance
Location	X	X			
Specifications for each facility	X	X			
Transportation Facilities (Existing and Proposed)					
Streets	X	X	X		X
Driveways and road access onto public and private roads	X	X	X		X
Sidewalks / trails	X	X	X		X
Clear visibility triangles (location and dimensions)	X	X			
Buildings / Structures (footprint, use, etc.)					
Existing and proposed within subject parcel	X	X	X	X	X
Existing within ____ feet of subject parcel	X (50')	X (150')	X (150')	X (150')	X (50')
Signs (Existing and Proposed)					
Location	X	optional			
Specifications for each sign including type, height, dimensions, lighting, and other factors considered during the review process	X	optional			

History of Amendment

A-355	12-22-94	Fence/Wall
A-382	01-24-96	(Historic Preservation
A-389	04-24-96	(Managed Condominium Projects
A-403	01-29-97	Manufactured homes/mobile homes
A-417	11-17-97	Fees referred to Schedule of Fees
A-434	12-16-98	Airport Zoning repealed & recreated
A-439a	06-21-99	Obstructions on Public Sidewalks
A-441A	07-28-99	Amend Conservancy District
A-443	08-25-99	Establish Agricultural District
A-448	09-29-99	Pawnshops become a Conditional Use in "A" Commercial
A-464	05-15-00	Public Hearings for C.U.P.'s to be held at Plan Agency not Council
A-465	07-26-00	Zoning Code Modifications as they pertain to Employee Lodging Facilities
A-466	07-26-00	Establishes Planned Unit Developments (P.U.D.'s) in the City. 19.26 created.
A-485	08-29-01	Conditionally permits communication towers in A Commercial District. 19.08
A-486	08-29-01	Conditionally permits communication towers in B Commercial. 19.09(1) (b) (6)
A-489	08-29-01	Regulates multi-family real estate developments. 19.27 created.
A-492	09-26-01	Conditionally permits business offices in B Commercial. 19.09(1) (b) (7)
A-493	10-24-01	Merchandise may not be sold on or above public sidewalks. 1911(7) (b) & (f)
A-496	11-14-01	Cond allow communication broadcast facilities in B commercial 19.09(1) (b) (6)
A-503	05-29-02	Extra-territorial Zoning Interim Ordinance 19.28
A-511	09-25-02	Maintain existing zoning in ETZ until permanent zoning is est. 19.28(3)
A-513	09-25-02	Allow Camp Wawbeek type facilities in Agriculture District. 19.045(2) (e)
A-521	02-26-03	Requires a 53' set back on Trout Road. 19.08(5)
A-534	08-27-03	Repeal duplicate Certificate of Occupancy. 19.15
A-541	02-25-04	Modify zoning re: farming, golf & truck terminals 19.045, 19.08(1) (a) (35) &(c) (10)
A-543	03-24-04	Repeals side yard set backs in A Commercial. 19.08(3) (b) (3) &19.085(3) (b) (3)
A-544	03-24-04	Amends permanent zoning code classification upon annexation. 19.13
A-606	07-26-06	Regulates security bars on store fronts in commercial dist. 19.085(c) (11)
A-614	05-26-07	ADOPTS NEW ZONING CODE IN ITS ENTIRETY.
A-623	06-23-07	Corrects number of Plan Commission members to 8. 19.203(1)
A-626	10-24-07	Zoning Code Revisions. sec.8.6(Exhibit 5-1), sec.19.1201, sec.19.1103, sec.11.0, sec.19.806, sec.8.10, sec.19.111, Exhibit 5-1.
A-630	02-27-08	Amended 19.208(1), 19.391(7); Created 19.393(f), allows artisan shop in Ind Zoning.
A-633	04-23-08	Only citizen members on Plan Comm must be residents (excludes fire chief). 19.203(4)
A-639	05-28-08	Amends timeshare project description to allow related activities and services. 19.111(5.7)
A-640	06-25-08	Amends 19.111(8.11) and creates 19.1100(6), Amends Exhibit 5-1, 13.3 and 18.3.
A-650	12-20-08	Addresses standards for townhouses 19.703, 19.704 and Exhibits 2-3 and 5-4
A-655	06-20-09	Conditionally allows Garage, non-residential in C-1 Zoning District.
A-656	06-20-09	Implements multiple changes per May 13, 2009 Plan Commission Meeting.
A-660	06-20-09	Implements multiple changes per June 10, 2009 Plan Commission Meeting.
A-692	10-23-10	Conditional Use Permit a Class I notice, PDD background zoning. 19.320 exh 4-1, 19.430
A-693	11-24-10	Retail sales in Industrial Zoning. 19.111.20.25, 19.825, 19.630 exh 5-2, 19.1101 exh 6-2
A-705	07-23-11	CUP-2 Process for outdoor food & beverage service. 19.370, 19.371 exh. 5-2, 19.811
A-715	01-28-12	Conditionally allows Multi-family Res. in C-4 Zoning District. Exh. 5.1
A-751	07-26-14	CUP-2 process for outdoor displays incidental to indoor sales. Exh. 5.2
A-756	09-20-14	Conditionally allows Instructional Facility in C-4 Zoning. Exh. 5.1
A-762	04-22-15	Recreates 19.728 Telecommunication facilities (towers).
A-771	08-22-15	Creates the Design Review Committee. 19.260-19.299 created.
A-779	09-24-15	Puts Plan Commission back to 7 members. 19.203
A-785	12-30-15	Removes the number 5 from the quorum 19.208(1)
A-794	04-02-16	Public Sidewalk Cafés in C2 Commercial Zoning 19.907 exh. 5.3
A-796	04-23-16	Private outdoor dining allowed by right in C-2, C-3 and C-4 Commercial Districts. Amend Exh. 5.2, 19.20.13, 19.20.135, 19.811(A) & 19.811(B)

A-801	08-15-16	Industrial District Retail to obtain permits or approval for activities 19.825
A-809	04-26-17	Group Accommodation Definitions Updated 19.111(5.3) & (5.5)
A-816	11-30-17	Clarifies role of Design Review Committee in Zoning Code 19.676 created
A-819	12-18-17	Updates lot area & dimensional standards 19.661(g)repealed, (h)&(i) renumber, Exh5.4 amended
A-821	02-19-18	Repeals Conditional Use Permit-2 Process
A-822	03-29-18	Spec standards for overnight lodging (seasonal and overnight) 19.711 created (renumbering)
A-823	03-29-18	Amends composition of Design Review Committee 19.262 recreated
A-829	05-02-18	Allows/Regulates exterior activity areas in different zoning districts 20.625 & 19.8045 created, Amend Exh. 5-2
A-831	06-28-18	Asst Fire Chief to serve on Plan Commission in Fire Chief's absence 19.203(5) created
A-833	06-28-18	Amends Downtown Design Standards - Outdoor Food Service-Vending Units 19.261(5)
A-845	06-27-19	Allow "Instructional Facilities" as permitted use in C-2 Commercial Downtown Exh 5-1(15.4)
A-846	06-27-19	Amends business & zoning regulations codes for Short Term Rentals 19.110(2) 19.111.20.30
A-847	08-29-19	Remove Local Licensing campground requirements since they are licensed by State 19.708(10)
A-849	01-30-20	Multiple zoning code provisions, amendments and creations. Exhibit 5-1 and 5-2, Code Sec. 19.110, 19.674, 19.677, 19.678, 19.710 (3), 19.803, and 19.823.
A-852	04-21-20	Limits the location within the city where amusement rides are permitted. Code Secs. 19.111(12.1), 19.111(12.8) and 19.110.