

CITY OF WISCONSIN DELLS MEETING AGENDA

Meeting Description CITY PLAN COMMISSION

Date: MONDAY, APRIL 8, 2019 **Time:** 5:00PM **Location:** MUNICIPAL BUILDING
300 LA CROSSE STREET, WISCONSIN DELLS, WI

		Committee Members		
Mayor Ed Wojnicz-Chair		Alder. Mike Freel	Fire Chief Pat Gavinski	Chris Lechnir
		Lisa Delmore	Phil Helley	Ted Theiler
AGENDA ITEMS:				
1	CALL MEETING TO ORDER AND ATTENDANCE			
2	APPROVAL OF THE MINUTES FROM THE MARCH 11, 2019 MEETING			
3	DISCUSSION / DECISION ON CONDITIONAL USE PERMIT APPLICATION FROM DELLS ADVENTURE DEVELOPMENT INC IN ORDER TO ALLOW A STORAGE CONTAINER AT 600 TROUT ROAD, WISCONSIN DELLS, SAUK COUNTY TAX PARCEL 291-0133-10000. THE PROPERTY IS ZONED C-4 COMMERCIAL-LARGE SCALE. REFERRED FROM COUNCIL TO MOVE BEHIND BUILDING LINE.			
4	DISCUSSION/DECISION ON PROPOSED (CSM) AFFECTING SAUK COUNTY PARCELS 291-0017-10000, 291-0018-00000, 291-0019-00000 AND 291-0019-10000			
5	DISCUSSION/DECISION UPDATES TO ZONING CODE – SHORT TERM RENTAL			
6	DISCUSSION/DECISION UPDATES TO ZONING CODE – RURAL RESIDENTIAL (PROPOSED NEW USE)			
7	ANY OTHER ITEMS FOR REFERRAL TO FUTURE MEETINGS			
8	SET DATE FOR THE NEXT PLAN COMMISSION MEETING (MAY 13, 2019)			
9	ADJOURNMENT			
	<p>Open Meetings Notice: If this meeting is attended by one or more members of the Common Council who are not members of this committee, their attendance may create a quorum of another city commission, board or committee under the Wisconsin Open Meetings Law; However, no formal action will be taken by any governmental body at the above stated meeting other than the body, committee, commission, or board identified in this meeting notice. Please be advised that upon reasonable notice, the City of Wisconsin Dells will furnish appropriate auxiliary aids and services to afford individuals with disabilities an equal opportunity to participate in meeting activities.</p>			
	MAYOR ED WOJNICZ CHAIRPERSON		DISTRIBUTED APRIL 5, 2019	

CITY PLAN COMMISSION
CITY OF WISCONSIN DELLS
MUNICIPAL BUILDING-300 LACROSSE STREET
MARCH 11, 2019

Aldersperson Freel called the meeting to order at 5:00 PM. Notice of the meeting was provided to the Dells Events, WNNO/WDLS Radio, and posted in accordance with State Statutes.

1. Present: Ald. Mike Freel, Fire Chief Pat Gavinski, Chris Lechnir, Phil Helley, and Ted Theiler
Absent: Mayor Ed Wojnicz and Lisa Delmore
Others: City Planner/Zoning Administrator Chris Tollaksen, DPW Office Clerk Monica Dorow-Leis, Public Works Director David W. Holzem, City Clerk Nancy R. Holzem, Ald. Anderson, Ald. Marshall, Ald. Anchor, Brent Tollaksen, Kyle Royston, Allie Schultz, Katie Fermanich, Mason Strampe, and Chris Jardine from the Dells Events
2. Motion by Theiler and seconded by Lechnir approve the February 11, 2019 meeting minutes. Motion carried.
3. Ald. Freel declared the public hearing open for anyone to speak for or against the Conditional Use Permit (CUP) Application from Kyler Royston in order to allow a Farmers Market and Outdoor Vendors/Itinerant sales at 15 through 27 Broadway, Wisconsin Dells, Columbia County tax parcel 11291-600. The property is zoned C-2 Commercial-Downtown. With no one speaking for or against the matter, Ald. Freel declared the public hearing closed.
4. The final layout will come to Planning/Zoning Administrator Chris Tollaksen, then to DRC for signage. All motioned by Theiler and seconded by Helley recommend to council approve the CUP Application from Kyler Royston in order to allow the following at 15 through 27 Broadway, Wisconsin Dells, Columbia County tax parcel 11291-600 with the following contingencies:
 - a) Farmers Market- no more than 1 per week
 - b) Itinerant Sales (Night Market)-Include Farmers and Artisan Market
 - a. One year trial basis
 - b. Allow 4 events this year
 - c. Vendors to pay Premier Resort Tax
 - d. Standards for what is acceptable retail sale-e.g. only items created by seller.
 - c) Outdoor Vendors (Tollaksen clarified that the approval would include as to what is in the staff report)
 - a. Retail sales of items available from brick and mortar facility on-site
 - b. Frequency limitation of outdoor sales
 - c. Location/size limitation-e.g. only allow small merchandise display at food cart

All are conditional on the following:

- 1) All furnishings, including displaces, tables, chairs, tents, and umbrellas need to be approved by the DRC prior to installation.
- 2) The property is well maintained, well managed and not allowed to be the source of a nuisance.
- 3) The applicant continues to cooperate with the city on determining what vendors/items are appropriate.

It was recommended there be no generators unless approved for a special exception. They will look at on a case-by-case basis, but Royston said they are hoping they can just plug in. Chris Tollaksen said they would have to follow the standard noise ordinances. The property is zoned C-2 Commercial-downtown. Motion carried.

5. Ald. Freel declared the public hearing open for anyone to speak for or against the CUP Application from Dells Adventure Development Inc. in order to allow a storage container at 600 Trout Road, Wisconsin Dells, Sauk County tax parcel 291-0133-10000. The property is zoned C-4 Commercial-Large scale. With no one speaking for or against the matter, Ald. Freel declared the public hearing closed.

6. Motion by Helley and seconded by Theiler recommend to council approve the CUP from Dells Adventure Development Inc. in order to allow a storage container at 600 Trout Road, Wisconsin Dells, Sauk County tax parcel 291-0133-10000. The property is zoned C-4 Commercial-large scale. Motion carried.
7. Ald. Freel declared the public hearing open for anyone to speak for or against the Site Plan Application from Neira Productions, LLC in order to construct an office building at 613 Broadway, Wisconsin Dells, Columbia County tax parcel 11291-681. The property is zoned C-2 Commercial-Downtown. With no one speaking for or against the matter, Ald. Freel declared the public hearing closed.
8. Motion by Theiler and seconded by Helley recommend to council approve the Site Plan Application from Neira Productions, LLC in order to construct an office building at 613 Broadway, Wisconsin Dells, Columbia County tax parcel 11291-681, with the following contingencies:
 - 1) Final Site Plan approved by city staff.
 - 2) The applicant is responsible for any storm water issues that may arise. The applicant will cooperate with any corrections required to address storm water issues.
 - 3) Removal of the parking space on Broadway follows the recommended by the Parking Board.
 - 4) The applicant gain DRC approval on the building and landscaping design.The property is zoned C-2 Commercial-Downtown. Motion carried.
9. The Design Review Committee (DRC) recommended updating the Downtown Design Standards as presented. Motion by Ald. Freel and seconded by Gavinski recommend to council approve updating the Downtown Design Standards as presented and where chain link fencing shall not be allowed. Motion carried.
10. The Wisconsin Dells Visitor & Convention Bureau asked the Design Review Committee for the possibility of a portable message sign. The DRC discussed this and recommended approval of the proposed change to the Sign Ordinance. Chris Tollaksen the thought would be that they would have it available for VCB events. The DRC would need to approve and it would be on a case-by-case basis. The portable message sign is to be stationary. Motion by Theiler and seconded by Helley to regulate through the Sign Ordinance. Motion carried.
11. Motion by Theiler and seconded by Lechnir to table the Short Term Rental Update to the zoning code until the next meeting. Motion carried.
12. Motion by Theiler and seconded by Gavinski to move forward with the process to update the zoning code to allow 'Instructional Facility' in C-2 Downtown. Motion carried.
13. Motion by Ald. Freel and seconded by Theiler to move forward with the proposed new use 'Rural Residential'. Motion carried.
14. There were no other items for referral.
15. Scheduled is the next Plan Commission meeting on April 8, 2019 at **5:30pm**.
16. Motion by Lechnir and seconded by Theiler to adjourn. Motion carried and the meeting adjourned at 6:01pm.

Monica Dorow-Leis
Public Works Office Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, March 11, 2019 at 5:00PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

Conditional Use Permit, per Municipal Code sec. 19.371(7), requested by Dells Adventure Dvlpmt Inc. in order to allow a "Storage Container" at 600 Trout Rd, Sauk Co. City of Wis. Dells tax parcel 291-0133-10000.

The property is zoned C-4 Commercial-large scale, which requires a Conditional Use Permit for the accessory use of "Storage Container". Copies of the application are available for review at the City of Wis. Dells Public Works office in the Municipal Building at 300 LaCrosse St.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 14th of February 2019
 Chris Tollaksen
 Planning & Zoning
 City of Wisconsin Dells

Publication Dates:
 February 21, 2019
 February 28, 2019

600 Trout Rd
Conditional Use Permit – Storage Container
Staff Report for Plan Commission, 04/03/19

In March the Plan Commission recommended to approve the application for storage containers from Dells Adventure Development. The Common Council referred the application back to the Plan Commission requesting the recommendation for approval be updated to include the following condition, per the general standards: The containers to be located in the back of the lot.

The applicant was advised of the requirement to move the containers and agreed to do so. The applicant requested 90 days to complete the move, to allow inventory currently stored in the containers to be depleted before the move.

For reference, the following is the information provided during the initial review in March 2019:

The Planning & Zoning office has received a Conditional Use Permit application from Dells Adventure Development for two Storage Containers on tax parcel 291-0133-10000.

The applicant was in need of additional storage on their property and has installed two (2) storage containers side-by-side between the riding stable barn and the aquarium on their property located at 600 Trout Rd. These containers are located behind an existing, approximate 6' tall, wooden fence that is 65-70 feet off Trout Road. The owner was unaware that the Zoning code now requires a Conditional Use Permit for the use of a Storage Container as an Accessory Use.

The applicant has submitted photos of the storage containers in place.

The general concern with storage containers is the aesthetic from the public way. As such, some **general standards for storage containers include**: they not be located in a parking lot, **they be located in the back of the lot**, and that there be only one container per commercial lot.

The applicant does have two adjoining commercial lots, and operates at least three different businesses on this premise.

It seems some of the general standards apply more to an urban environment. The City has allowed two storage containers in the front of a lot in the industrial park, for Firefighter training.

In this case, a reasonable alternative may be to paint the containers a matching color that also hides the containers from the public view, such as the blue color of the existing fence.

Prepared by:
Dave Leifer

Untitled Map

Write a description for your map.

Legend

600 Trout R



Proposed new location of containers
Behind buildings

"Location" to: (A) 85 Feet (Trout Rd)
(B) 140 Feet (North lot line)

CONDITIONAL USE APPLICATION
Wisconsin Dells, Wisconsin
 Version: May 21, 2007

General instructions Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

Initial application fee	\$525.00
Receipt number	67691
Application number	COP 2-2009

1. Applicant information

Applicant name Dells Adventure Dvlpmnt. Inc.
 Street address 600 TROUT RD
 City WISCONSIN DELLS
 State and zip code WI 53965
 Daytime telephone number 608-432-9528
 Fax number, if any _____
 E-mail, if any _____

2. Subject property information

Street address	<u>600 TROUT RD</u>	
Parcel number	<u>291 0133 -10 000</u>	<small>Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.</small>
Current zoning classification(s)	<u>C-4</u>	<small>Note: the Zoning map can be found on the "Planning & Zoning" Department page of the City web-site: www.citywd.org</small>
Describe the current use		

3. Proposed use. Describe the proposed use.

Storage Container

4. Operating conditions. For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Receive during regular operating hours

CONDITIONAL USE APPLICATION

Wisconsin Dells, Wisconsin

Version: May 21, 2007

5. **Off-site effects.** Describe any potential nuisances and mitigating circumstances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

Deliveries can pull up to container area, off the Public Road at existing parking lot.

6. **Review criteria.** The plan commission in making its recommendation and the common council in making its decision must consider the factors listed below. Provide a response to each. (See Section 19.373 of the Municipal Code.)

- a. Consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any

Accessory use to existing commercial use area.

- b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

OFF Street parking lot - no effect.

- c. The suitability of the subject property for the proposed use *commercial zoning with existing business.*

not affecting use of other properties

- d. Effects of the proposed use on the natural environment

already developed business

- e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

Hours of operation will not change.

- f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district

within existing development

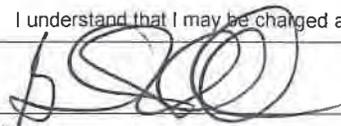
- g. Effects of the proposed use on the city's financial ability to provide public services

N/A

CONDITIONAL USE APPLICATION
Wisconsin Dells, Wisconsin
 Version: May 21, 2007

7. **Project map.** Attach a scaled map showing the information as listed at the end of this application. Use one of the following page sizes as appropriate: 8½" x 11", 11" x 17", or 24" x 36".

8. **Applicant certification**

<ul style="list-style-type: none"> ◆ I certify that the application is true as of the date it was submitted to the City for review. ◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the agreement below. 	
	2-13-19

Applicant Signature

Date

Governing Regulations The procedures and standards governing this application process are found in Chapter 19, Article 4, Division 6, of the City's Municipal Code.

Reimbursement Agreement for Application Review Costs

A. Payment for Eligible Costs.

By submitting this application for review, the applicant agrees to pay all administrative costs incurred by the City in the processing, study, and review of the application including costs for planning, legal, engineering, and related services, referred to herein as eligible costs.

B. Guarantee of Payment.

To guarantee reimbursement, the applicant shall submit one of the following along with this application:

1. an irrevocable letter of credit in the name of the City in an amount as set by the zoning administrator; or
2. a cash deposit in an amount as set by the zoning administrator.

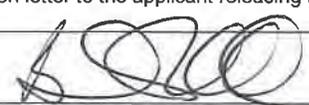
If a cash deposit is used to guarantee reimbursement, the City will periodically deduct from the cash account such amounts necessary to pay for eligible costs and submit a written statement to the applicant. If a letter of credit is used, the applicant agrees to pay such amounts as invoiced within 7 days of the invoice date. An interest rate of 1½ percent shall be charged on invoices not paid within 30 days of the invoice date. The City shall access the letter of credit to pay for overdue invoices, including late penalty charges, and submit a written notice to the applicant.

If remaining monies in the cash account are insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to deposit additional monies into the cash account in an amount as set by the zoning administrator. If the principal amount of the irrevocable letter of credit is insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to submit a second letter of credit in an amount as set by the zoning administrator. The applicant may withdraw this application prior to final action by the City Council by submitting a written letter to the City. Upon such notice, the City shall cease all work related to the review of the application. However, withdrawal of this application does not terminate this reimbursement agreement.

If the applicant does not pay for eligible costs, the City Clerk/Treasurer shall add the outstanding balance to the tax roll as a special assessment against the subject property. In addition, the City may pursue other legal means to obtain the outstanding balance as allowed by law.

C. Termination of Guarantee.

If a cash deposit is used to guarantee reimbursement, the City agrees to reimburse the applicant any unused monies in the cash account, including earned interest, within 60 days of the date when the City Council takes final action on the application. If a letter of credit is used, the City shall send a written letter to the applicant releasing the applicant from the letter of credit when all outstanding invoices have been paid.

	2-13-19
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Applicant Signature

Date

CONDITIONAL USE APPLICATION
Wisconsin Dells, Wisconsin
 Version: May 21, 2007

Project Map Checklist

Project Information	Included ?
Project name (e.g. , business name, subdivision name)	<input type="checkbox"/>
Applicant name	<input type="checkbox"/>
Preparation date	<input type="checkbox"/>
Survey Information	
North arrow and graphic scale	<input type="checkbox"/>
Address of subject parcel or legal description	<input type="checkbox"/>
Property boundaries	<input type="checkbox"/>
Acreage of subject parcel	<input type="checkbox"/>
Project Development Information	
Easements/rights-of-ways (location, width, purpose, ownership)	<input type="checkbox"/>
Common areas/conservancy areas (location, purpose, ownership)	<input type="checkbox"/>
Setting	
Property boundaries within 50' of the subject parcel	<input type="checkbox"/>
Land uses within 50' of the subject parcel	<input type="checkbox"/>
Zoning district boundaries within 50' of the subject parcel	<input type="checkbox"/>
Municipal boundaries within 50' of the subject parcel	<input type="checkbox"/>

Site Features (Existing and Proposed)	Included ?
Wetlands	<input type="checkbox"/>
Woodlands	<input type="checkbox"/>
Wildlife habitat, including critical wildlife habitat	<input type="checkbox"/>
Environmentally sensitive features	<input type="checkbox"/>
Water resources (rivers, ponds, etc.)	<input type="checkbox"/>
Floodplain boundaries	<input type="checkbox"/>
Environmental and man-made hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, high-pressure natural gas lines, and others as appropriate	<input type="checkbox"/>
Fences, buffers, and berms	<input type="checkbox"/>
Existing trees and other prominent vegetation	<input type="checkbox"/>
Transportation Facilities (Existing and Proposed)	
Streets	<input type="checkbox"/>
Driveways and road access onto public and private roads	<input type="checkbox"/>
Sidewalks / trails	<input type="checkbox"/>
Buildings / Structures (footprint, use, etc.)	
Existing and proposed within subject parcel	<input type="checkbox"/>
Existing within 50' of subject parcel	<input type="checkbox"/>

Untitled Map

Write a description for your map.

Legend

 600 Trout R



Original container location

"Location" to: (A) 85 Feet (Trout Rd)
(B) 140 Feet (North lot line)

600 Trout RD, Wis Dells



Storage container View from parking Lot.

CSM Applicatoin – Bridge Mall, LLC
951 Stand Rock Rd
Plan Commission, 04/08/2019

The City of Wis. Dells has received a proposed Certified Survey Map from Bridge Mall, LLC to create two (2) new parcels at 951 Stand Rock Rd, which is the location of the Kickers Restaurant.

The new lots appear to be in compliance with City lot area and dimensional standards.

Lot 2 of the survey includes part of the Pioneer Dr ROW that has not been formally dedicated to the public. Dedication of the this ROW as part of the Lot 2 of this CSM should be included.

Lot 1 of the survey contains a 300 seat restaurant, which would require 100 parking stalls for patrons, plus employee parking. It should be demonstrated that Lot 1 can accommodate this requirement.

It is also clear that the amusement land improvements on the existing parcel south of Lot 1 of this survey encroach upon Lot 1 of this survey. While the lot-line affected by these encroachments is not being modified by this survey, the encroachments should be addressed as part of this survey. It appears that these encroachments are in the process of being removed, so the need to document these encroachments may only be temporary. As such, it may be acceptable to include a separate document with the recording of this CSM that would address the existence of the encroachments and the nature of their resolution.

Any approval of this Certified Survey Map should carry the following conditions.

1. The Pioneer Dr ROW is dedicated to the Public.
2. It is demonstrated that the new Lot 1 can accommodate the parking requirements for the existing restaurant use on this lot.
3. The documentation of the encroachments on Lot 1 are recorded with this CSM

Chris Tollaksen
City of Wis. Dells
4/08/2019

SAUK COUNTY CERTIFIED SURVEY MAP No. _____

Located in Lots 2, 3 and 4, CSM No. 2207 and Lot 1, CSM No. 1249, Government Lot 4, Section 4, T13N, R6E, City of Wisconsin Dells, Sauk County, Wisconsin.

The purpose of this CSM is to redivide existing parcels.

Owner: Bridge Mall, LLC, % John Mitby, PO Box 1528, Madison, WI, 53701

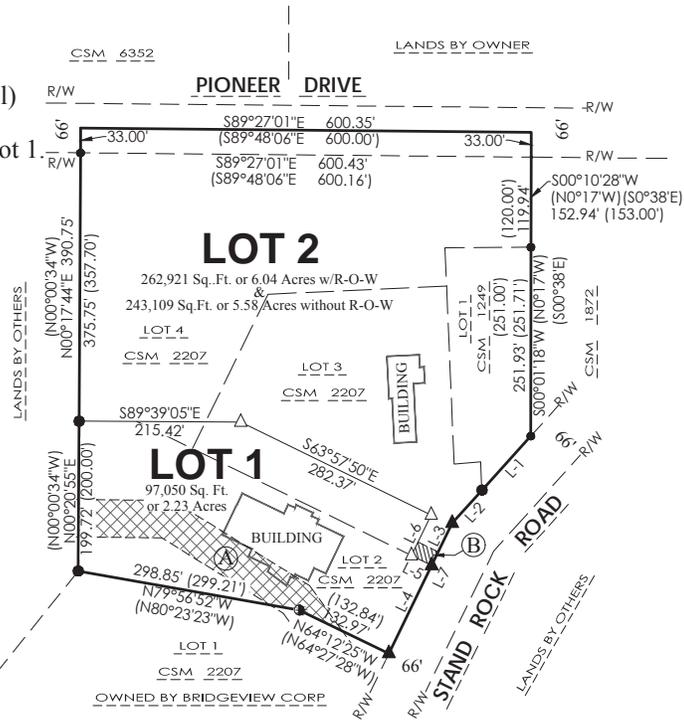
Carlson Surveying, Div. of General Engineering, P O Box 340, Portage, WI, 53901 Phone (608) 742.2169

Bearings are referenced to south line of Government Lot 4 of Section 4 which bears S88°54'31"E, Grid North, Sauk County Coordinate System, NAD83(91).

- ⊕ = Found government corner (as noted, all ties found and verified)
- = Found 3/4" round iron rod
- ▲ = Found PK nail in blacktop
- △ = Set PK nail in blacktop.
- () = Recorded as
- Ⓐ = 50' wide Electric Easement, Doc. # 842591 (See sheet 3 detail)
- Ⓑ = 20' x 30' Ingress and Egress Easement created for benefit of Lot 1.

LINE CHART

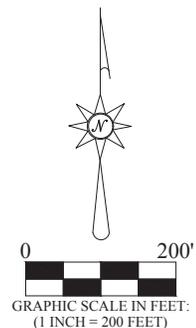
LINE	LENGTH	BEARING:
L-1	96.91' (96.94') (97.00')	S42°05'21"W (N41°37'E) (S40°57'W)
L-2	59.41'	S41°57'47"W (S41°37'00"W)
L-3	62.64'	S25°53'19"W (S25°32'32"W)
L-4	130.50'	S25°53'19"W (S25°32'32"W)
L-5	30.00'	N63°57'50"W (S64°19'27"E)
L-6	60.00'	S26°02'10"W
L-7	193.14'	S25°53'19"W (S25°32'32"W)



S 1/4 CORNER SECTION 4 (STD. HARRISON MON.)

SECTION LINE 1448.73' S88°54'31"E

MEANDER CORNER SECTION 4 (3" ALUM. CAP)



SURVEYOR'S CERTIFICATE:

I, Mark C. Carlson, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land located in Lots 2, 3 and 4, CSM No. 2207 and Lot 1, CSM No. 1249, Government Lot 4, Section 4, T13N, R6E, City of Wisconsin Dells, Sauk County, Wisconsin bounded by the following described line:

Commencing at the S1/4 corner of said Section 4; thence N61°31'02"E, 1504.17 feet to southwest corner of said Lot 2, CSM No. 2207 and point of beginning; thence N0°20'55"E along west line of said Lot 2, 199.72 feet; thence N0°17'44"E along west line of Lot 4, CSM No. 2207, 390.75 feet to northwest corner of said Lot 4; thence S89°27'01"E along north line of said Lot 4, 600.35 feet to northeast corner of said Lot 4; thence S0°10'28"W along east line of said Lot 4, 152.94 feet to northeast corner of CSM No. 1249; thence S0°01'18"W along east line of said CSM No. 1249, 251.93 feet; thence S42°05'21"W along west line of Stand Rock Road, 96.91 feet; thence S41°57'47"W along said west line, 59.41 feet; thence S25°53'19"W along said west line 193.14 feet to southeast corner of Lot 2, CSM No. 2207; thence N64°12'25"W along south line of said Lot 2, 132.97 feet; thence N79°56'52"W along said south line, 298.85 feet to point of beginning.

Said described parcel contains 8.27 acres or 359,971 square feet and is subject to power line easement, highway easement, ingress and egress easement shown on map and other easements of record.

That I have complied with the provisions of Chapter 236.34 Wisconsin Statutes, A-E 7 of the Wisconsin Administrative Code and the subdivision regulations of the City of Wisconsin Dells and Sauk County to the best of my knowledge, information and belief in surveying, mapping and dividing the same.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have made such survey under the direction of John Mitby.

Date Mark C. Carlson

OWNERS CERTIFICATE:

As owner of Lots 2, 3 and 4, CSM No. 2207 and Lot 1, CSM No. 1249, Bridge Mall, LLC, I hereby certify that I have caused lands in this Certified Survey Map to be divided mapped and access easement created as represented on this map. I also certify that this Certified Survey Map is required to be approved by the City of Wisconsin Dells.

Date John Mitby

State of Wisconsin)
Sauk County)

Personally came before me this _____ day of _____, 2019 the above known owner to me known to be the person who executed this instrument.

Notary Public _____ My Commission expires _____

CITY OF WISCONSIN DELLS APPROVAL:

Resolved by the Common Council of the City of Wisconsin Dells, Wisconsin that this Certified Survey Map, filed by John Mitby is hereby approved and accepted by the City.

Dated: _____ day of _____, 2019.

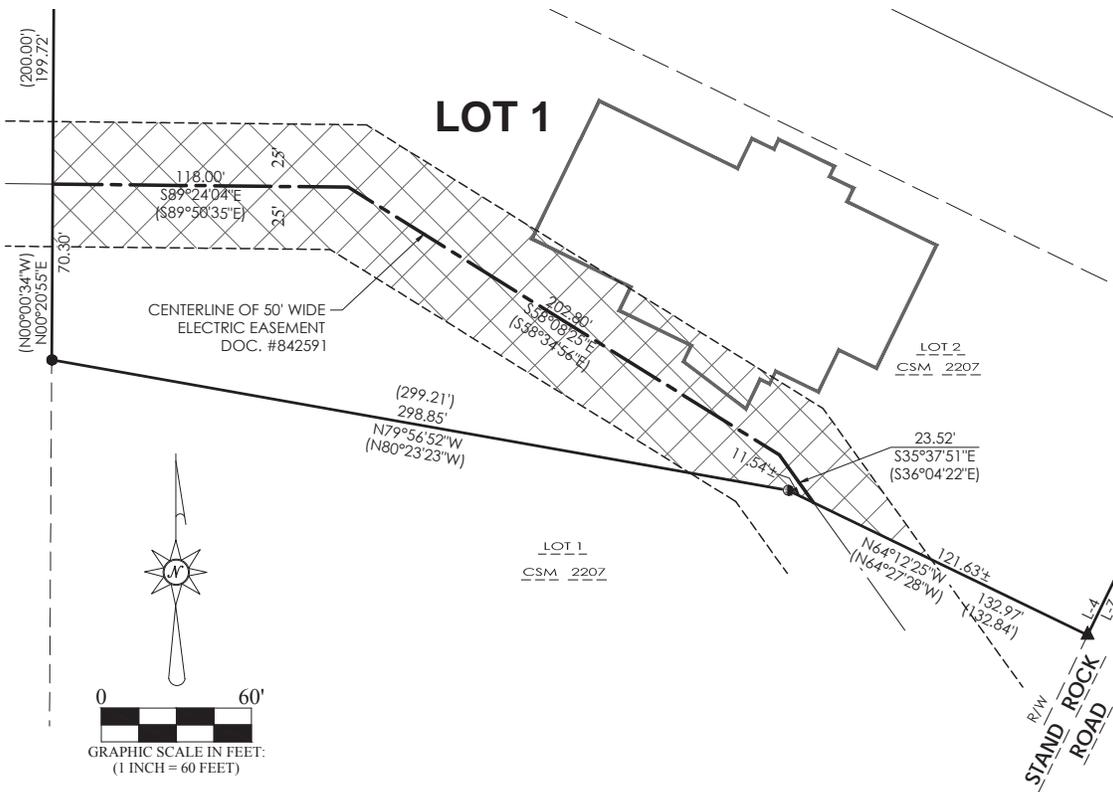
Motioned by: _____ Approved: _____

Second by: _____ Attest: _____

I certify that the foregoing is a correct representation of a resolution adopted by the City of Wisconsin Dells, at a regular meeting, a quorum being present on the _____ day of _____, 2019.

City Clerk

ELECTRIC EASEMENT DETAIL:



Pioneer Dr



Broadway Rd

S:\New and Open Survey Projects\5018 806r14\13.4 Bridge Mall LLC (Dunn Mtby) Planning Layouts (51018-65)\51018-65-CSM Bridgeview Parking.dwg, 4/20/19 3:24:06 PM



General Engineering Company

P.O. Box 340 • 916 Silver Lake Dr. • Pewage, WI 53001
 608-742-2108 (Office) • 608-742-2392 (Fax)
 www.generalengineering.net

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**PROPOSED SITE PLAN
 BRIDGEVIEW MALL CSM**

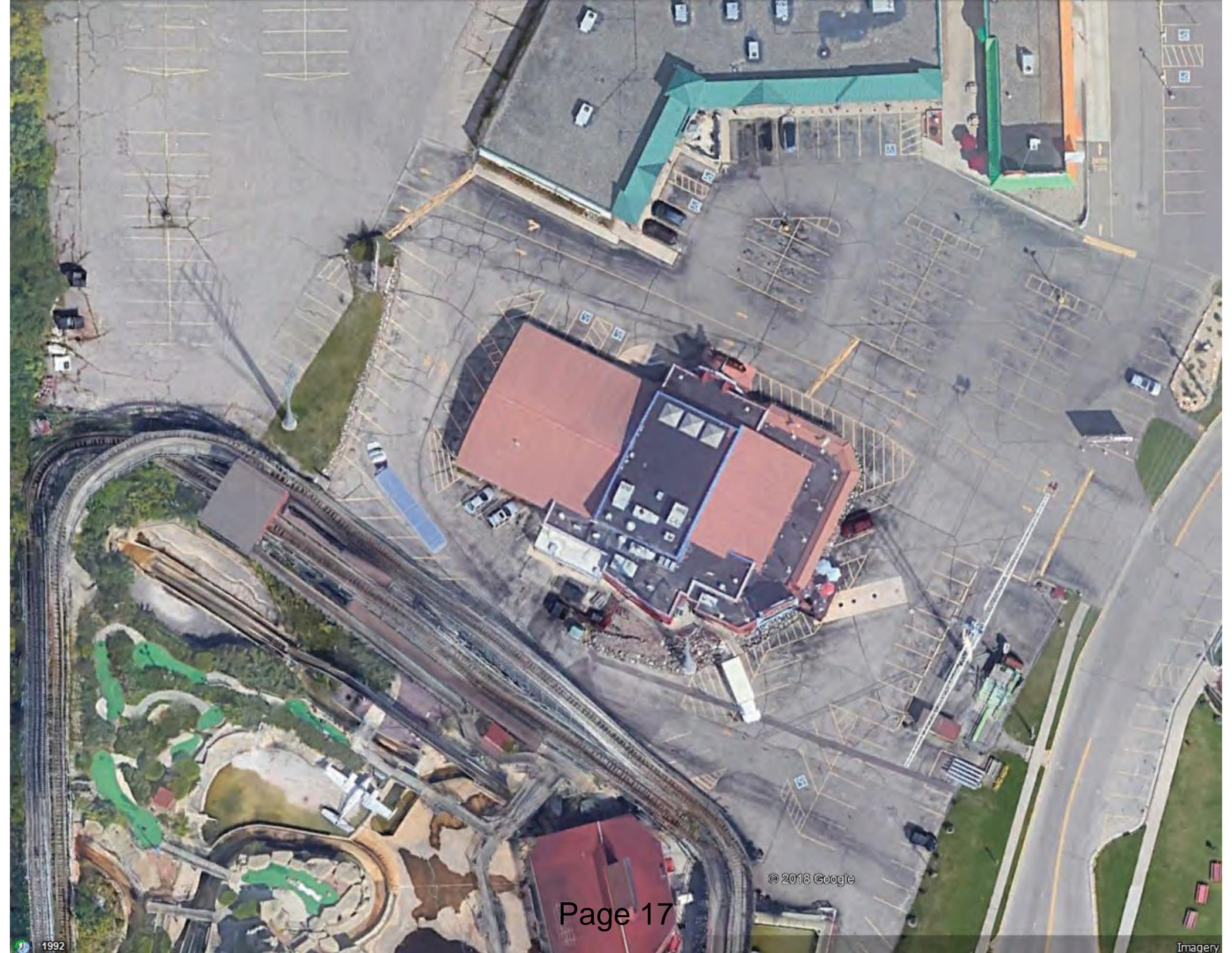
**CITY OF WISCONSIN DELLS
 SAUK COUNTY, WI**

REVISIONS	NO.	BY	DATE



DRAWN BY: ksp
 REVIEWED BY:
 ISSUE DATE: APRIL 2019
 GEC FILE NO.: S1018-65
 SHEET NO.:

C1.1



© 2018 Google

Proposed Zoning Update
PC 040819
New Land Use - Short Term Rental

In 2018 a new State Law was passed that limited our ability to regulate short term rental of residences for between 7-29 days, see article below.

To align City Law with this new State Law, and provide for as much City oversight as allowed, the City Attorney has drafted an Ordinance to update the Ordinance Chapter 19 (Zoning Code) and Ordinance Chapter 16 (Licensing & Regulation of Trade).

The following article from the Wisconsin Realtors Association is included to provide some additional information.



Right to Rent

Five things REALTORS® need to know about Wisconsin's new short-term rental law

 Tom Larson |  November 09, 2017

As part of the 2017-19 state budget, Wisconsin lawmakers enacted a new law that protects the ability of homeowners to rent out their homes on a short-term basis. The law was passed in response to a growing number of communities banning the rental of residential dwellings for any period of time less than 30 days. Rather than regulating the behavior of the occupants of short-term rentals like any other property to ensure compliance with noise, parking and other local ordinances, these communities have placed blanket prohibitions on any rental less than a month.

Due to the growing popularity of short-term rentals through online platforms like AirBnB and VRBO, lawmakers feared these bans would negatively impact both the tourism industry and second-home real estate markets. Accordingly, the new law encourages local governments to regulate short-term rental activity rather than ban the activity altogether.

Background

As in other parts of the country, short-term rentals of personal residences have become a growing part of Wisconsin's rental real estate market, especially in high tourism areas. According to recent polling, 70 percent of Wisconsin residents would be either very or somewhat interested in renting a home or cabin if they took a vacation of one week or longer in Wisconsin. For those individuals who have vacationed in one place for a week or longer in Wisconsin, approximately 50 percent have rented a home or cabin.

Moreover, the ability to rent a home is becoming more important to prospective buyers in second-home real estate markets like Door County, Lake Geneva and Minocqua. In these markets, the consumer demand for owning second homes has declined over the last decade in part because busy lifestyles make the ownership and maintenance of a second home less attractive. Alternatively, consumers prefer to rent a home for several weeks during the year or, if they do purchase a home, they want to have the option of renting the properties on occasion to generate additional income to help pay for the property taxes and maintenance costs. Before buying a second home, one of the most common

questions asked by prospective buyers is whether the property can be rented out on a short-term basis. When asked if they were to own a second home, over 40 percent of Wisconsin residents indicated that the ability to rent it out for a week or longer would be important to them.

With the passage of the right-to-rent law, Wisconsin joins a growing number of states that have either passed laws or have pending legislation pertaining to short-term rentals. Twenty-four states currently have legislation pending on the issue of short-term rentals. While each piece of legislation is unique, all of the legislative proposals fall into one of two categories: authorizing state and local governments to collect taxes on short-term rentals, and/or preempting local government regulation of short-term rentals. Wisconsin's law contains elements of both categories and is somewhat different from laws enacted in other states because it creates two categories of short-term rentals of less than seven days and short-term rentals of seven days or longer.

New law

With the growing popularity of short-term rentals, REALTORS® need to know the following five things about Wisconsin's right-to-rent law:

1. **Local governments can regulate but not prohibit short-term rentals:** The new law prohibits local governments — which include counties, cities, villages and towns — from banning the rental of a residential dwelling for a period of time of seven consecutive days or more. Under the law, “dwelling unit” is defined as “any building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.” This restriction on local government authority applies regardless of the zoning classification. In other words, a local government cannot prohibit the rental of a residential dwelling for seven days or more in any part of the community — such as shoreland areas — or in any zoning classification. The law does not prevent local governments from banning nightly rentals or rentals of less than seven consecutive days. The law treats

rentals of less than seven consecutive days differently because lawmakers believe such rentals are more of a commercial use of property, which may be inappropriate in some residential areas. The law does not prohibit local governments from regulating short-term rentals of any duration. A community, therefore, may enact regulations that require property owners to comply with noise standards, parking requirements, obtaining a local permit, paying penalties for ordinance violations or comply with other local standards. REALTORS® should closely monitor local ordinances to ensure that any regulations are fair and reasonable.

2. **Local permits are allowed:** While local governments are not allowed to prohibit homeowners from renting out their homes for seven days or more under the new law, local governments can require property owners to obtain a permit to rent out their homes. The local permit, however, cannot be overly restrictive, resulting in a de facto prohibition on a short-term rental. Such local permits should be more administrative in nature and contain objective and reasonable standards. A common question is whether a local community can require a conditional use permit (CUP) for a short-term rental. The answer depends on the nature of the CUP requirement. If the CUP requirement is overly restrictive and either explicitly or implicitly makes certain residential dwellings ineligible for a permit, then the CUP requirement is in violation of the new law. REALTORS® who encounter local permit or CUP requirements that are unfair or overly restrictive should contact the WRA about a possible legal challenge to the ordinance through the WRA's Legal Action Program.
3. **Be aware of a six-month local cap:** Under the law, local governments are allowed to place a six-month/180-day cap on the amount of time property owners can rent out their home during any 365-day period. Moreover, the law allows but does not require local governments to require the 180 days to be continuous. In communities that have adopted a six-month cap, property owners are allowed to choose which six-month period the dwelling is rented. For example, if the city adopted a six-month limit on short-term rentals, the property owner could choose March 1 through August 1, April 3 through September 3, May 7 through October 7, or whatever six-month time period the property owner prefers. The six-month requirement is another way in which lawmakers wanted to distinguish between commercial and residential uses of a home.

From their perspective, a home that is rented for more than six months during the year is more of a commercial use of property and thus may be inappropriate in some residential areas.

4. **State licensing and inspection requirements:** While not a new requirement, most short-term rentals are required to obtain a “tourist rooming house” license from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Such a license is required for vacation homes, cabins and cottages that are rented out to tourists and transients for more than 10 nights in a 12-month period. See complete details about this license on the DATCP’s tourist rooming house page online at datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx (http://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx). The license is an annual license that extends from July 1 of one year through June 30 of the following year, with an annual license fee of \$110. A property owner may rent as many as four units under each tourist rooming house license. As part of the state licensing process, the state will send a sanitarian to inspect the property to ensure that it meets state health and safety requirements. A one-time fee of \$300 is required for the state inspection.
5. **Collection of state sales and local room taxes:** Finally, the law requires owners of short-term rentals and lodging marketplaces to collect state sales and use tax, which are 5 percent, and any room tax owed from the person renting the residential dwelling. Under the law, a “lodging marketplace” is defined as “an entity that provides a platform through which unaffiliated third parties offer to rent a short-term rental to an occupant and collect consideration for the rental from the occupant.” This would include AirBnB, VRBO, a property management company or any other entity that rents short-term rentals for the owner. An owner of a short-term rental also will have to collect two variations of tax: (a) the state sales tax and forward it to the department of revenue if annual sales are equal to or greater than \$1,000, and (b) any local room tax and forward it to the local government where the short-term rental is located if that local government charges a local room tax. Not all local governments charge a local room tax.

Wisconsin's right to rent law is intended to provide a balance between the rights of property owners to rent their homes and the rights of their neighbors to use and enjoy their property. Each local government will likely regulate short-term rentals in a somewhat different manner, and this will present some challenges for both property owners and REALTORS®. The WRA will actively monitor the implementation of the new law at the local level and will provide resources to assist REALTORS® in this effort upon request. If you have questions or concerns about a proposed or existing short-term rental ordinance, contact the WRA Legal Hotline for additional information.

How does the Wisconsin state budget become law?

Every two years, the state passes a budget. Prior to the governor providing a proposal, the governor requests each state agency — such as the Department of Revenue, the Department of Safety and Professional Services, the Department of Natural Resources — to provide suggestions as ways the agency can save the state money, create efficiencies as well as offer other improvements. Further, stakeholders such as the WRA, other trade associations and other organizations offer suggestions to state agencies and/or the governor as to how to improve services, create efficiencies and offer other suggested benefits to the state of Wisconsin and, in our case, a focus on its property owners.

- Typically in February of the odd year, the governor proposes a budget for the Joint Finance Committee (JFC) to consider.
- The JFC then will begin to hold informational hearings that bring in each state agency's secretary and ask questions relating to the agency's proposal within the budget. The JFC then adopts motions that may include the same proposal as the governor's or modified versions of the proposals. In addition, the JFC may adopt a wrap-up motion, which is intended to be a catchall for technical corrections in previous motions as well as other potential changes.

- The JFC then sends its version of the proposed budget to the Senate and Assembly.
- Each house then must pass the same version of the budget bill in order for the budget to go before the governor.
- The governor then can use a veto power to veto all or parts of the bill. While the governor's veto ability prohibits inserting verbiage into the bill, language may be deleted. For example, in the most recently signed budget bill creating 2017 Wis. Act 259, the governor vetoed the historic tax credit language so that it was no longer a \$5 million-per-project limit but rather a \$500,000-per-project limit. The veto entailed the governor deleting a zero to modify the cap, for example, \$5,000,000 to \$500,000.
- The governor signs the bill. At this time, the language becomes law either the day after the bill is published or on a specific stated date relating to that section.

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City of Wisconsin Dells



ORDINANCE NO. _____
(Short Term Rentals)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

Wisconsin law does not allow municipalities to prohibit the short term rental of residential dwellings. Such rentals, however, may be regulated. This ordinance amends the zoning and business regulation codes to implement the state mandate. Short term rentals of residential dwellings are permitted as an accessory use in all zoning districts subject to regulation as tourist rooming houses; and, further subject to the limitation that the total number of days of operation within any calendar year shall not exceed 180 days which must be consecutive and must be specified in advance.

SECTION II: PROVISION AFFECTED

Wisconsin Dells Code Sec. 19.100(2) is amended.
Wisconsin Dells Code Sec. 19.111.30 is created.
Wisconsin Dells Code Sec. 16.35(1a) is created
Wisconsin Dells Code Sec. 16.35(2)(k) is repealed and recreated

SECTION III: PROVISION AS CREATED:

A. The following is made part of “General Definitions” sec. 19.110(2)

“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.

Note: This provision specifically defines the type of accommodations permitted by right in all zoning districts; i.e. residential, not commercial.

* * *

B. Code Sec. 19.111.30 is created:

Short term rental: A residential dwelling offered or occupied for rent for a fee or similar consideration for more than six but fewer than 29 consecutive days.

Note: This creates a specific land use definition.

March 5, 2019

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C. Code sec. 19.630 delineates “Allowable uses within zoning districts”. Exhibit 5-2 is a table which specifies “Allowable uses by district”. That table is amended to create accessory use 20.30, “Short term rentals” as permitted by right in all zoning districts subject to the standards of Code sec. 16.35.

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D. Code sec. 16.35(1a) is created:

(1a) Short Term Rentals.

Short term rentals, a form of Tourist Room House, are permitted by right as an accessory use in all zoning districts subject to the regulatory provisions of this Section 16.35; and, further subject to the limitation that the total number of days of operation within any calendar year shall not exceed 180 days which must be consecutive and must be specified in advance.

Note: This makes clear that short term rentals are subject to the Tourist Rooming House regulations.

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E. Code Sec. 16.35(2)(k) is repealed and recreated:

Short term rental: A residential dwelling offered or occupied for rent for a fee or similar consideration for more than six but fewer than 29 consecutive days.

Note: This makes the definition of short term rental consistent in the zoning and business regulation codes.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

27

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Codes, Chapters 16 and 19.

Edward Wojnicz, Mayor

Nancy R. Holzem, Clerk

INTRODUCED: _____
PUBLISHED: _____
PASSED: _____

March 5, 2019

- (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

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.

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.

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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).

- 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 than 29 consecutive days.*

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21.0 TEMPORARY

- 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

Exhibit 5-2. Accessory uses by district

20.0	Accessory Use														Special		
		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	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	-	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	-	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	PP	P	P	P	P	P	P	P	P	P	P	P	19.826	

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

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Exhibit 5-3. Temporary uses by district

21.0	Temporary Use														Special	
		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	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

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

A yard shed shall not be located in a front yard.

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 Terms rentals shall be subject to the provisions of City Ordinance Chapter 16.35(2)(k)

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19.826 to 19.899 reserved

Proposed Zoning Update
PC 031119
New Land Use – Rural Residential

Rural Residential – The City has at least two (2) fairly large two areas of land on the edge of the City limits that were originally annexed into the City to be the second Phase of residential subdivisions: Deerwood Glen and Prairie Oaks. The City has also gotten a handful of inquiries about the keeping of horses within the City. There is some thought that one of the more likely markets for these properties are larger, rural residential lots. It is assumed potential residential buyers of these lots would like to be able to include rural type uses on these lots, primarily the keeping of livestock. Limited research into this subject found that mostly County Zoning standards for “Rural Residential”. The Adams Co. and Dane Co. versions are included for preliminary review.

There are currently two (2) existing Agricultural Zoning Districts in the City of Wisconsin Dells. Below is a list of the uses that are permitted or conditionally permitted in the existing City Agricultural Districts. To allow residential horses, a property would currently need to be zoned Agricultural, which would also allow these uses:

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.
- 2.5 Industrial Retail. Retail sales and activities related to the products manufactured on premises.

3.0 RESIDENTIAL USES

- 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.

5.0 GROUP ACCOMMODATIONS

- 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.
- 5.6 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.

8.0 GENERAL SERVICES

- 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.

11.0 GENERAL STORAGE

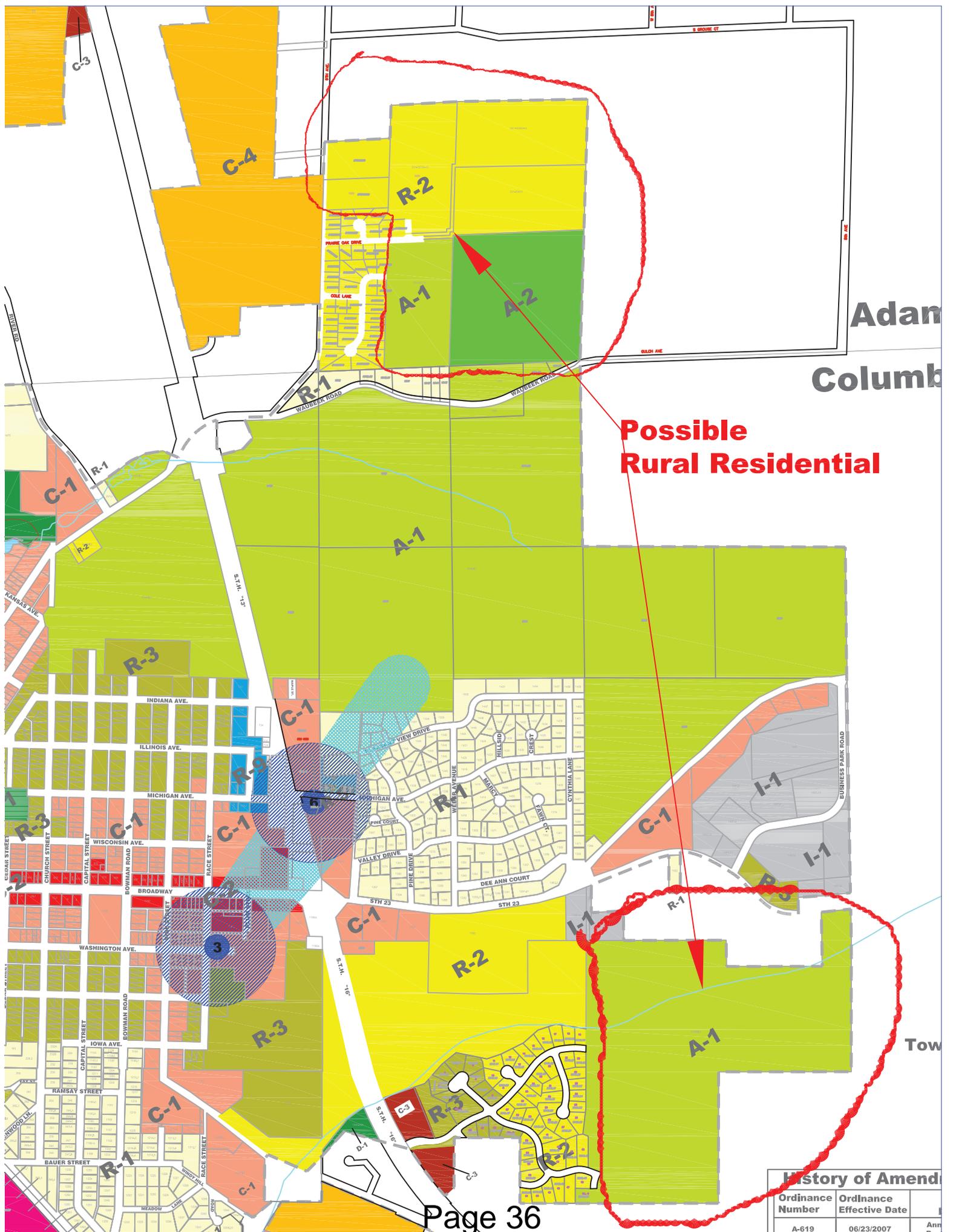
- 11.1 Agricultural commodity storage facility A place and/or building, or portion thereof, used or is intended to store bulk food stuffs prior to shipment and/or processing. The term includes grain elevators and such facilities.

13.0 COMMUNITY SERVICES/USES

- 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.
- 13.7 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.

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.



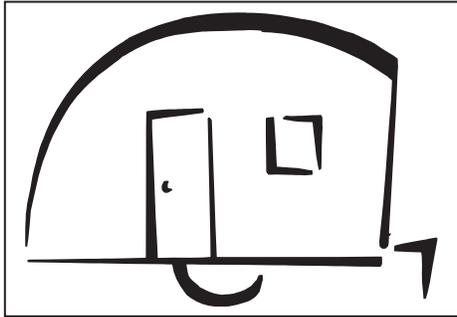
Adams
Columb

**Possible
Rural Residential**

Tow

History of Amendment		
Ordinance Number	Ordinance Effective Date	
A-619	06/23/2007	Ann Par

ADAMS COUNTY COMPREHENSIVE ZONING ORDINANCE



Zoning Guide

County Comprehensive Zoning:

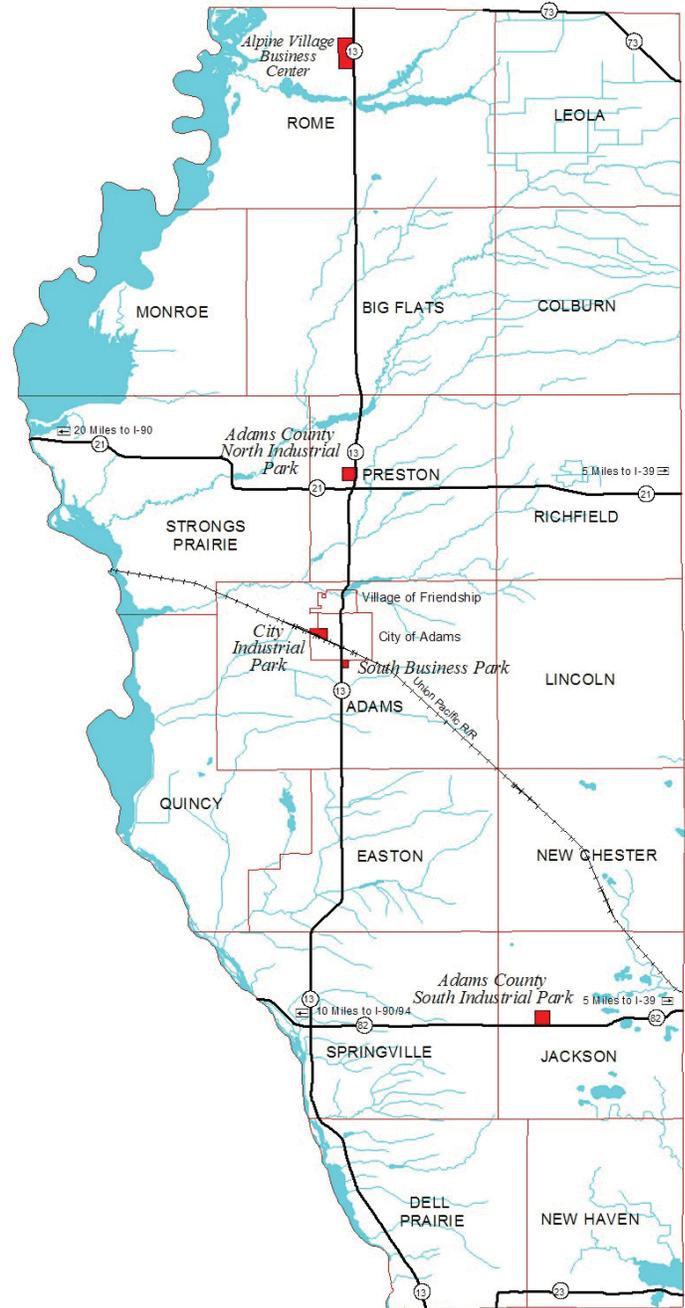
- Adams
- Colburn
- Dell Prairie
- Easton
- Jackson
- New Chester
- New Haven
- Preston
- Richfield
- Springville

Town Comprehensive Zoning:

- Lincoln
- Quincy
- Rome
- Strongs Prairie

No Comprehensive Zoning:

- Big Flats
- Leola
- Monroe



REVISED DECEMBER 2010

(B) Lot Area excluding access strips:

- R-1: Minimum area of twenty thousand (20,000) square feet.
- R-1 {LL}: Minimum area of two (2) acres.

(C) Lot Width. All lots shall have a minimum width of 100 feet, measured at the front yard setback line.

5-6B.07 PARKING AND ACCESS REGULATIONS. (See Section 7).

5-6B.08 SIGN REGULATIONS. (See Section 8).

5-7.00 R-2 RURAL RESIDENTIAL DISTRICT

5-7.01 PURPOSE AND INTENT: To provide for areas of residential living in the rural countryside, where prime agricultural lands would not be involved, and where the residents of this district accept agriculture as the dominant way of life, wishing to participate in a limited way, living on large lots that have space for vegetable gardens, small crop fields or orchards, keeping of livestock, and similar rural activities. Since parcels suitable to be placed in this district may be scattered along the rural road network, among larger tracts of A-1 zoning, this district may be expected to regulate small groupings of such residences. Although this district will be used in an agricultural environment, since the emphasis of this district is on residential living, it is necessary to place limits on the amount of animal keeping on each parcel.

5-7.02 PERMITTED USES: The following uses and their customary accessory uses are permitted:

- (A) Same as R-1 & R-1 LL Single Family Residential District (see section 5-6.02) as well as agricultural activities compatible with rural residential living, such as gardening, raising seed, grain and fruit crops, bee-keeping, horse grazing and stables, limited livestock raising and keeping as follows: one livestock unit for each acre of lot area

5-7.03 CONDITIONAL USES: The following uses may be permitted after review and approval by the County Planning and Zoning Committee (See Section 4-4. for application and review requirements):

- (A) Same as R-1 Large Lot Single Family Residential District (see section 5-6.03).

5-7.04 PROHIBITED USES: Same as Section 5-6B.03-1.

5-7.05 YARD REQUIREMENTS: All uses shall meet the following minimum setback requirements:

- (A) Class A, B & C Highway: 100 ft. from Right-of-Way line or lot line, whichever measures furthest into the lot.
- (B) Front Lot Line: 100 ft. for all structures.
- (C) Rear Lot Line:
 - 1. Dwelling and attached accessory structures: 30 ft.
 - 2. Detached accessory building: 10 ft.
- (D) Side Lot Line: 10 ft. for all structures.

5-7.06 HEIGHT REQUIREMENTS: (See also Section 3-5.00).

- (A) All single-family dwellings, manufactured homes, group homes, and their accessory structures shall not exceed the following maximum requirements:

- 1. Principal buildings and attached accessory buildings: 35 feet.
- 2. Detached accessory structures: 20 feet.

(B) Exceptions: See Section 3-5.02.

5-7.07 AREA REQUIREMENTS: (See also Section 3-6.00).

(A) Maximum Ground Coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed eight (8) percent of total lot area and in no case more than 15,000 sq. ft.

(B) Lot Requirements. All lots shall meet the following minimum requirements:

1. Lot area: (174,240) square feet (4 acres)

2. Lot width: 300 feet, measured at the front yard setback line.

5-7.08 PARKING AND ACCESS REGULATIONS: (See Section 7)

5-7.09 SIGN REGULATIONS: (See Section 8)

5-8.00 R-3 VERSATILE RESIDENTIAL DISTRICT

5-8.01 PURPOSE AND INTENT: To provide areas for a variety of housing structures and to regulate existing mobile/manufactured home developments-and provide for new such settlements.

5-8.02 PERMITTED USES: The following uses and their customary accessory uses are permitted:

(A) Single family homes and sectional & non-sectional manufactured homes as defined in Section 2.

(B) Home occupations and professional home office.

(C) Essential services.

(D) Recreational vehicles pursuant to 3-8.00

(E) Camping (see Section 3-8.00).

5-8.03 CONDITIONAL USES: The following uses may be permitted after review and approval by the County Planning and Zoning Committee (See Section 4-4.00 for application and review requirements).

(A) Commercial recreational facilities such as swimming pools, tennis or golf clubs, or lakeshore boating spaces, intended to serve more than just residents of a mobile home park.

(B) Community based residential group home facilities, and day care.

(C) Manufactured home parks including common open and recreational space and management office.

5-8.04 PROHIBITED USES: Same as Section 5-6B.03.01

5-8.05 YARD REQUIREMENTS: All uses shall meet the following minimum setback requirements except side yards shall be increased to thirty (30) feet where units are not served with public sanitary sewer:

(A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.

(B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.

PORTAGE COUNTY CODE OF ORDINANCES

Chapter 7 PORTAGE COUNTY ZONING ORDINANCES

ORDINANCES

- 7.1 [PORTAGE COUNTY ZONING ORDINANCE](#)
- 7.2 [WELLHEAD PROTECTION ORDINANCE](#)
- 7.3 [WIRELESS TELECOMMUNICATION FACILITY ORDINANCE](#)
- 7.4 [SUBDIVISION ORDINANCE](#)
- 7.5 [OPEN SPACE DESIGN OPTION](#)
- 7.6 [FLOODPLAIN ZONING ORDINANCE](#)
- 7.7 [SHORELAND ZONING ORDINANCE](#)
- 7.8 [NONMETALLIC MINING RECLAMATION ORDINANCE](#)
- 7.9 [PRIVATE SEWAGE SYSTEM ORDINANCE](#)
- 7.10 [ANIMAL MANURE STORAGE ORDINANCE AND NUTRIENT MANAGEMENT STANDARDS](#)
- 7.11 [PORTAGE COUNTY WELL ABANDONMENT ORDINANCE](#)

7.1 PORTAGE COUNTY ZONING ORDINANCE

AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, TO DETERMINE, ESTABLISH, REGULATE AND RESTRICT THE AREAS WITHIN WHICH AGRICULTURE, FORESTRY, INDUSTRY, TRADES, BUSINESSES AND RECREATION AND RESIDENTIAL USES MAY BE CONDUCTED; THE AREAS IN AND ALONG NATURAL WATER COURSES, CHANNELS, STREAMS AND CREEKS IN WHICH TRADES OR INDUSTRIES, FILLING OR DUMPING, ERECTION OF STRUCTURES AND LOCATION OF BUILDINGS, MAY BE PROHIBITED OR RESTRICTED; CERTAIN AREAS, USES OR PURPOSES WHICH MAY BE SUBJECTED TO SPECIAL REGULATION AND BUILDING SETBACK LINES AND SUCH OTHER USES AUTHORIZED PURSUANT TO SECTION 59.69, 59.692, 59.694 AND 87.30, WISCONSIN STATUTES.

THE COUNTY BOARD OF SUPERVISORS OF PORTAGE COUNTY DOES ORDAIN AS FOLLOWS:

SECTION I - DISTRICT AND DISTRICT MAPS

For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting the areas within the County outside the limits of incorporated cities and villages, within which agriculture, forestry, industry, trades, business, recreation and residential uses may be conducted, to establish districts of such number, shape and area, to adopt such regulations for each such district as the County Board has determined to be necessary in order to carry out the purposes of this Ordinance, in accordance with the provisions of Sections 59.69, 59.692, 59.694, 59.696, 59.697, 59.698, 87.30, and 281.31 of the Wisconsin Statutes, including within the following towns: Alban, Almond, Amherst, Belmont, Buena Vista, Carson, Dewey, Eau Pleine, Hull, Lanark, Linwood, New Hope, Plover, Sharon and Stockton are hereby divided into 18 use districts, namely:

- | | |
|-----------------|--|
| Section 7.1.2.1 | R2 Single Family Residence District |
| Section 7.1.2.2 | R4 Multiple Family Residence District |
| Section 7.1.2.3 | R1 Rural and Urban Fringe Residence District |
| Section 7.1.2.4 | R3 One and Two Family Residence District |
| Section 7.1.2.5 | R5 Waterfront Residence District |
| Section 7.1.3.1 | A4 General Agricultural District |

(3) Multiple family dwellings; five or more.

(D) HEIGHT, YARDS, AREA AND OTHER REQUIREMENTS.

(1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of 35 feet. See Paragraph 7.1.6.1(C).

(2) Lot Area and Floor Area. The lot area, lot width and floor area requirements for buildings used in whole or in part for dwelling purposes which are hereafter erected, moved or structurally altered shall provide a lot area and floor area as required by the following table:

<u>No. of Families</u>	<u>Lot Area</u>	<u>Floor Area (see 7.1.6.10)</u>
1	20,000 square feet	550 square feet
2 (on 2 floors)	20,000 square feet	1,100 square feet
2 (on 1 floor)	20,000 square feet	1,200 square feet
3	24,000 square feet	1,500 square feet
4	28,000 square feet	1,900 square feet

Each additional lot and floor area to be determined by the Board of Adjustment, family over four with the Board of Adjustment to consider as guidelines, 4,000 square feet of additional lot area and 400 square feet additional floor area for each additional family over four, unless other factors, such as soil, flow of underground water, neighboring developments, etc. make greater or lesser areas for each such family more reasonable, provided that when the regulations of the appropriate Wisconsin Administrative Code, require a larger lot area than any of the above, such regulations shall govern for both platted and unplatted areas and lots. Lot area shall exclude road right-of-way.

(3) Lot Width. The minimum lot width shall be 100 feet at the building line.

(4) Side Yards. There shall be a 10 foot minimum setback from each side yard.

(5) Rear Yard. There shall be a 25 foot minimum setback from the rear yard.

(6) Setback Lines. See Subsection 7.1.6.6 and 7.1.6.1(D)(6).

(7) Off-Street Parking. See Paragraph 7.1.6.1(E).

7.1.2.3 RURAL AND URBAN FRINGE RESIDENCE DISTRICT (R1)

(A) INTENT. This District is intended to provide urban-fringe and rural area landowners/residents with greater flexibility in land usage than is afforded by traditional residential zoning, while providing greater protection from conflicting land uses than is afforded by traditional agricultural zoning. Single family residential development is consistent with this District, as well as other nonintensive uses typically associated with the rural residential life-style. Low development densities should be maintained to prevent degradation of groundwater from on-site waste disposal systems.

(B) USES. The following uses are permitted:

(1) Any use permitted in the R2 Single Family Residence District.

(2) Ponds and/or excavations incidental to the residential use, not exceeding 10,000 square feet total area (e.g. one 10,000 sq.ft. pond and/or excavation, or two 5,000 sq.ft. ponds and / or excavations, etc.). Excavated materials must remain on the property unless a plan for their removal is approved by the Planning and Zoning Staff.

(C) SPECIAL EXCEPTION USES. The following uses are permitted upon proper application as provided in this Ordinance particularly items (a) and (b) of Subparagraph 7.1.6.2(A)(2) only after such use shall have been approved in writing by the Board of Adjustment, after public hearing. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific uses from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious gases and odors, noise, glare, vibration, operation of heavy machinery, heavy vehicular traffic, increased traffic on streets and other safety and health factors; such uses shall be required to conform with the plan approved by the Board of Adjustment and shall meet the specific conditions attached below and such other conditions as the Board of Adjustment deems necessary in furthering the purpose of this Ordinance.

- (1) Any use listed as a special exception in the Single Family Residence District.
- (2) Ponds and/or excavations incidental to uses in this district exceeding 10,000 square feet of total area.
- (3) Temporary, movable roadside vegetable/produce stands for the sale of products grown on the same premises.
- (4) Utilities, communication lines, towers and related structures.
- (5) Single family homes less than 20 feet wide.
- (6) Home occupations when such occupations may be conducted anywhere on the premises for retail uses and manufacturing, assembly and artisan. If conducted out of the residence, not more than 25% of only one floor of the dwelling shall be used, there shall be no external alterations that would effect a substantial change in the residential character of the building, and no more than 2 persons not members of the resident family may be employed in such occupations.
- (7) Keeping, raising, or housing of horses, provided such activity is not of a commercial nature. Such activity shall require a minimum lot size of five acres and shall not exceed a density of one horse per 1.5 acres.

(D) HEIGHT, YARDS, AREAS AND OTHER REQUIREMENTS.

- (1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of 35 feet. See Paragraph 7.1.6.1(C).
- (2) Floor Area. Buildings used in whole or in part for residential purposes which are hereafter erected, moved or structurally altered shall have a floor area as follows:
 - (a) If occupied or to be occupied for six months or longer in any one calendar year (year-round occupancy), the floor area shall not be less than 720 square feet.
 - (b) If occupied or to be occupied for less than six months in any one calendar year (seasonal occupancy), the floor area shall not be less than 400 square feet. See Subsection 7.1.6.10, Floor Area.

(3) Lot Area. Minimum lot area in this District for newly created lots shall be two acres, inclusive of road right-of-way. Land in Conservancy Zoned District can be utilized in the creation of a new lot as long as the minimum lot area is non-Conservancy Zoned.

(4) Lot Width. Minimum lot width shall be 200 feet at the building line.

(5) Side Yards. There shall be a 25 foot minimum setback from each side yard except for lots of record, on which structures shall as nearly as possible meet this requirement, but not less than the side yard setbacks prior to rezoning.

(6) Rear Yard. There shall be a 25 foot minimum setback from the rear yard.

(7) Setback Lines. See Subsection 7.1.6.6 and 7.1.6.1(D)(6).

(8) Off-Street Parking. See Paragraph 7.1.6.1(E).

7.1.2.4 ONE AND TWO FAMILY RESIDENCE DISTRICT (R3)

(A) INTENT. This District is intended to provide for two-family residences or duplexes, to serve as a transition between the Single Family Residence District and higher intensity uses, such as commercial activities. The application of this District, for new development, should be limited to areas where connection to municipal sewage treatment facilities is feasible at the time of construction or in the near future.

(B) USES. The following uses are permitted:

(1) Any use permitted in the R2 Single Family Residence District.

(2) Two family dwellings.

(C) SPECIAL EXCEPTION USES. The following uses are permitted upon proper application as provided in this Ordinance particularly items (a) and (b) of Subparagraph 7.1.6.2(A)(2) only after such use shall have been approved in writing by the Board of Adjustment, after public hearing. Such approval shall be consistent with the general purpose and intent of this Ordinance and shall be based upon such evidence as may be presented at such public hearing, tending to show the desirability of specific uses from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious gases and odors, noise, glare, vibration, operation of heavy machinery, heavy vehicular traffic, increased traffic on streets and other safety and health factors; such uses shall be required to conform with the plan approved by the Board of Adjustment and shall meet the specific conditions attached below and such other conditions as the Board of Adjustment deems necessary in furthering the purpose of this Ordinance.

(1) Any use listed as a special exception in the Single Family Residential Zoning District.

(D) HEIGHTS, YARDS, AREA AND OTHER REQUIREMENTS.

(1) Height. Except as otherwise provided in this Ordinance, no building shall exceed a height of 35 feet. See Paragraph 7.1.6.1(C).

RR-1 Rural Residential Zoning District

Zoning district for single family homes with agricultural uses – CH. 10-Zoning, [Section 10.241](#)

Permitted Uses 10.241(2)

- Single family home – one per parcel
- Small-scale farming
- Residential accessory uses
- Home occupations
- Incidental room rental
- Community living Arrangements for less nine (9) persons
- Foster homes for less than five children
- Undeveloped natural resource and open space areas
- Utility services associated with a permitted use
- Transportation, utility, communication, or other use required by law

Conditional Uses 10.241(3)

- Attached accessory dwelling units
- Limited family business
- Day Care Centers
- Community living arrangements for nine (9) or more people
- Governmental, institutional, religious, or nonprofit community uses
- Transient or Tourist Lodging
- Transportation, communication, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above

Setbacks and Height Requirements for Structures 10.241(5),(6)

Front setback for all structures from Highway centerline / right-of-way line (whichever is greater)

State or Federal Highway: 100/42 feet minimum

County Highway: 75/42 feet minimum

Town Road: 63/30 feet minimum

Subdivision streets platted prior to ordinance: 20 feet minimum

All other streets: 30 feet minimum from right-of-way

Maximum Height:

Residences: 2½ stories or 35 feet maximum

Accessory buildings: 16 feet maximum

Agricultural buildings: No height requirement

Residences:

Side yard: 25 feet total, with no single side less than 10 feet minimum

Rear yard: 50 feet minimum

Uncovered decks/porches: 38 feet minimum

Rear and side yards:

Not housing livestock: 10-feet

Housing livestock:

100 feet from Residential or Hamlet zoning districts

50 feet from Rural Residential zoning districts

10 feet from all other zoning districts

Lot Width & Area 10.241(4)

Minimum: 1 acres

Maximum: 2 acres

Minimum lot width: 100 feet

Maximum Lot Coverage 10.241(7)

Maximum building coverage of lot: 10% of lot area

Accessory Buildings Requirements 10.102(2)(a)

Any number of detached accessory buildings associated with a permitted or conditional residential use is permitted, provided that the following conditions are met:

- A principal residential use (home) exists or is under construction before a Zoning Permit for an accessory building may be issued.
- Sanitary fixtures are prohibited in accessory buildings.
- No living spaces are allowed in accessory buildings.

NOTE: A Zoning Permit is required for every building larger than 120 square feet in size. Zoning Permits are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet setback, height, and lot coverage requirements.

Livestock 10.004(85); 10.103(18)

- The number of livestock kept is limited to one (1) animal unit for each full acre.
- An animal unit is defined as the equivalent of 1 cow; 4 hogs; 10 sheep or goats; 100 poultry or rabbits; 1 horse, pony, or mule; or an equivalent combination thereof..

RR-1 Rural Residential District

Zoning district for single family homes with agricultural uses – CH. 10-Zoning, Section 10.241

Incidental Room Rental 10.004(72)

Rental or leasing of rooms within a single-family residence is permitted provided all of the following are met:

- ✓ All rooms offered for rent are within the landowner's primary residence
- ✓ No more than two bedrooms are offered for rent
- ✓ One off-street parking space is provided for each rental room.

Limited Family Business 10.004(83)

A small family-run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except up to one or one full-time equivalent, must be a member of the family residing on the premises.