



## PLAN COMMISSION MEETING AGENDA

February 28, 2024 at 6:00 PM  
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call**
2. **Discussion and action relating to Minutes**
  - a. a. September 9, 2023
3. **Public Hearing**
  - a. a. Amendment of Ordinance Sec. 114-46 & Sec. 114-16 to allow for zero lot line development in several zoning districts.
4. **Adjourn**

### NOTICE:

*It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.*

*Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Deputy Clerk Nicole Lyddy (608) 747-2706.*

*Any member of the public wishing to join the meeting telephonically should call City Hall by 4pm the day of the meeting. Staff will be happy to provide instructions on joining the meeting by phone. City Hall main number: 608-847-6676*



**OFFICIAL MINUTES OF MEETING  
PLAN COMMISSION  
PLAN COMMISSION  
5:30 PM, SEPTEMBER 20, 2023**

**Call to Order/Roll Call**

The Mauston Plan Commission met at 5:30 pm Wednesday, September 20, 2023, in the Council Chambers of City Hall. Present were Mark Messer, Lenard Kluge, and Mayor Dennis Nielsen. Absent was Paul Coggins and Devan Minard. Also present was Deputy Treasurer Daron Haugh and Zoning Administrator Allison Schwark by Zoom.

**Minutes**

McGuire/Kluge to approve minutes of August 28, 2023. Motion carried.

**Date and time of future Plan Commission meetings**

McGuire/Kluge motioned to have meetings the second and fourth Wednesdays of each month at 6:00 pm as needed. Motion carried.

**Public Hearing for - W5309 Hwy G ETZ Rezone Application**

McGuire/Kluge closed public hearing at 5:38 pm. Motion carried.

**W5309 Hwy G ETZ Rezoning Application**

McGuire/Kluge to approve the rezoning of W5309 Hwy G. Motion carried.

**Adjourn**

McGuire/Kluge to adjourn. Meeting adjourned at 6:18 pm.

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**CHAIR**

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**DATED**

**CITY OF MAUSTON  
NOTICE OF PUBLIC HEARING**

**ZONING TEXT AMENDMENT**

Notice is hereby given that a public hearing will be held before the Plan Commission of the City of Mauston on February 28, 2024, at 6:00 P.M. or soon thereafter as the matter may be heard in the Council Chambers, City Administration Offices, 303 Mansion Street, Mauston, WI for the purpose of hearing all interested parties, their attorneys or agents with respect to a proposed zoning text amendment to the City of Mauston Zoning Ordinance Sec. 114-46, Sec.114-124, and Sec. 114-16 to allow for zero lot line development in several zoning districts.

The City of Mauston will attempt to accommodate anyone with special needs if requests are made a sufficient time in advance. The City Clerk can be reached at: 608-847-6676.

Dated this 6th day of February 2024.

Allison Schwark  
Zoning Administrator

Publish 2x: 02/15/24 & 02/22/24.  
Juneau County Star-Times

**Sec. 114-124. Commercial land uses.**

- (a) *Office.*
  - (1) *Description.* Includes all exclusively indoor land uses whose primary functions are the handling of information or administrative services such as accounting firms. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see subsection (b) of this section).
- (b) *Personal or professional service.*
  - (1) *Description.* Includes all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barbershops, beauty shops, and related land uses, but do not include sexually oriented land uses.
- (c) *Indoor sales or service.*
  - (1) *Description.* The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, pawn shops, payday lenders, and a number of other uses meeting this definition.
  - (2) *Regulations.*
    - a. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as outdoor sales or service incidental to indoor sales under accessory uses in the table of land uses, section 114-128(6).
    - b. A land use which contains both indoor sales and outdoor sales exceeding 15 percent of the total sales area of the building on the property shall be considered as an outdoor sales land use. (See subsection (d) of this section.)
    - c. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as light industrial uses incidental to indoor sales.
- (d) *Outdoor sales or service.*
  - (1) *Description.* Includes all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building such as vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales.
  - (2) *Regulations.*
    - a. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
    - b. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
    - c. The display of items shall not be permitted within required setback areas for the principal structure.
    - d. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of section 114-56.

If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

- e. Display areas shall be separated from any vehicular parking or circulation area by a minimum of ten feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - f. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either onsite or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
  - g. Outdoor sales or service shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within ten calendar days of the goods' removal.
  - h. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
- (e) *Indoor maintenance service.*
- (1) *Description.* Includes all land uses which perform maintenance services such as repair and contain all operations, except loading, entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use.
- (f) *In-vehicle sales or service.*
- (1) *Description.* Includes all land uses which perform sales and/or services to persons in vehicles such as drive-ins, drive-ups, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use, for example, a convenience store, restaurant or bank, in-vehicle sales and service land uses shall be considered an accessory use.
  - (2) *Principal and accessory land use regulations.*
    - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane.
    - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
    - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
    - d. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
    - e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
    - f. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
    - g. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass-through window.
- (g) *Indoor commercial entertainment.*

- (1) *Description.* Includes all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses such as restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.
  - (2) *Regulations.*
    - a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
- (h) *Outdoor commercial entertainment.*
- (1) *Description.* Includes all land uses which provide entertainment services partially or wholly outside of an enclosed building such as outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks. If the proposed outdoor commercial entertainment is a freestanding operation which charges a separate fee from the principal land use, then the entertainment is probably not an accessory use, and should be treated as a separate principal use.
  - (2) *Principal and accessory land use regulations.*
    - a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
    - b. Activity areas, including drive-in movie screens, shall not be visible from any residentially zoned property.
- (i) *Commercial animal boarding.*
- (1) *Description.* Includes short-term and/or long-term boarding for animals such as commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.
  - (2) *Regulations.*
    - a. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
    - b. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
    - c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
    - d. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.
- (j) *Commercial indoor lodging.*
- (1) *Description.* Includes land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condos and short-term rental apartments, which provide housing for one month or less.
  - (2) *Regulations.*
    - a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.

- b. Within the PB district, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.
- (k) *Bed and breakfast establishment.*
- (1) *Description.* Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.
  - (2) *Regulations.*
    - a. All such establishments shall be required to obtain a permit to serve liquor pursuant to Wis. Stats. ch. 125, if they intend to serve liquor.
    - b. They shall be inspected annually at a fee established by a separate fee ordinance, to verify that the land use continues to meet all applicable regulations.
    - c. The size, number and location of all signs shall be established by conditional use.
    - d. No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the building code. One lavatory and bathing facility shall be required for every ten occupants, in addition to the owner's/operator's personal facilities.
    - e. The dwelling unit in which the bed and breakfast is operated shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
    - f. Only the meal of breakfast may be served and only to overnight guests.
    - g. Each operator shall keep a list, for a period of one year, of the names and addresses of all persons staying at the bed and breakfast. Such list shall be available for inspection by city officials at reasonable times.
    - h. The maximum stay for any occupant of a bed and breakfast shall be determined by state statute and/or administrative code.
    - i. In addition to the application requirements for all conditional uses, applicants shall submit an interior floor plan of the dwelling illustrating that the proposed operation will comply with this article as amended, and other applicable city codes and ordinances.
    - j. In addition to the standards of review for all conditional uses, the commission shall also determine whether a permit shall be issued based upon the public convenience and necessity. In determining the number of bed and breakfast operations required to provide for such public convenience and necessity, the commission shall consider the effect upon residential neighborhoods, the condition of existing holders of permits, if any, and the necessity of issuance of additional permits for public service.
    - k. Any permit issued under the provisions of this chapter may be revoked by the commission for good cause shown after investigation and after granting the permit holder the opportunity to be heard in opposition thereto.
    - l. Each conditional use permit shall be valid only while said property is owned by the permit holder at time of conditional use approval. Unless specifically stated otherwise in the conditional use,

the conditional use permit shall automatically terminate upon conveyance of the property to a new owner.

- (l) *Group day care center (nine or more children).*
  - (1) *Description.* Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools.
  - (2) *Regulations.*
    - a. Property owner's permission is required as part of the conditional use permit application.
    - b. Such land uses shall not be located within a residential building.
    - c. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.
    - d. Such land uses may be operated on a for-profit or a not-for-profit basis.
- (m) *Boardinghouse.*
  - (1) *Description.* Boardinghouses include any residential use renting rooms which do not contain private bathroom facilities, with the exception of approved bed and breakfast facilities.
  - (2) *Regulations.*
    - a. Shall be located in an area of transition from residential land uses to nonresidential land uses.
    - b. Shall comply with section 114-288, applicable to all conditional uses.
- (n) *Sexually oriented land uses.*
  - (1) *Description.* Sexually oriented land uses include any facility which rents, sells or displays sexually oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines. For the purpose of this chapter, the term "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and the term "sexually oriented material" includes any media which displays sexually specified areas. Establishments which sell or rent sexually oriented materials shall not be considered sexually oriented land uses if:
    - a. The store area devoted to the sale or rent of said materials is less than five percent of the sales area devoted to non-sexually oriented materials;
    - b. Such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually oriented materials; and
    - c. Such materials are not advertised by any advertising located or visible outside of the store.
  - (2) *Rationale.* The incorporation of this subsection (p) into this chapter is designed to reflect the common council's official finding that sexually oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the common council is concerned with the potential for such uses to limit the attractiveness of nearby locations for new development; the ability to attract and/or retain customers; and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this subsection (p) to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the city's comprehensive master plan and protect the character and integrity of its commercial and residential neighborhoods.



(3) *Regulations.*

- a. The facility shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- b. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

(o) *Vehicle repair and maintenance service.*

- (1) *Description.* Vehicle repair and maintenance services include all land uses which perform maintenance services, including repair, to motorized vehicles and contain all operations except vehicle storage entirely within an enclosed building.

**(p) Zero lot line structures.**

**(1) Description. A structure that is built on the property line, such as a twin house, townhouse, or downtown unit.**

**(2) Regulations.**

- a. **Lots shall have a minimum area of 5,000 square feet and shall not be less than 45' in width with one dwelling unit per lot.**
- b. **There shall be a minimum setback of 25' from the street lot line. There shall be a side yard requirement on one side of a building of not less than 10'. The dwelling unit shall be placed on one side property line with a 0' side yard. There shall be a rear yard of not less than 25' for all lots.**
- c. **Buildings constructed shall be of the row (party wall) dwelling type and shall consist of a row of 2 attached dwelling units. The common wall between individual dwelling units shall be constructed of at least a one-hour fire rated construction.**
- d. **Common public utility laterals shall not be permitted.**
- e. **Side lot lines shall be a straight line and perpendicular or radial to the street line.**

(Ord. No. 2017-1092 , § 1, 4-11-2017; Ord. No. 2019-2021 , 7-27-2021)

**Sec. 114-46. Non-residential districts.**

(a) *Non-residential districts—Descriptions and purpose.*

1. *Neighborhood business (NB) district description and purpose.* This district is intended to permit small scale commercial development, high quality office, and institutional land uses which are compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through landscape surface area ratio (LSR) requirements, and by restricting the maximum building size (MBS) of all buildings within each instance of this district to 5,000 square feet. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
  
2. *Planned business (PB) district description and purpose.* This district is intended to permit large and small scale commercial development, high quality office and institutional land uses which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
  
3. *General business (GB) district description and purpose.* This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, minimum required green space ratios (GSRs) are substantially lower than those required in the planned business district. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
  
4. *Central business (CB) district description and purpose.* This district is intended to permit both large and small scale downtown mixed-use development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum landscape surface ratios (LSRs) permitted in this district are much lower than those allowed in the planned business and general business districts. A wide range of office, retail, lodging, and mixed-use land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is strictly limited to the central city locations.

(b) *Non-residential district—Principal land uses table.*

<b>Non-Residential Districts—Principal Land Uses</b>					
<b>Residential—Family Living</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Apartment (three- to five-unit building)	C			C	114-121(g)
Apartment (five- to 16-unit building)		C	C	C	114-121(g)
Duplex	C				114-121(b)
Commercial apartments	P	C	C	P	114-121(h)

Multiplex (three- to five-unit building)	C				114-121(f)
Multiplex (five- to 16-unit building)		C	C	C	114-121(f)
Single-family detached	P				114-121(a)
Townhouse	C				114-121(e)
Townhouses (three- to eight-unit building)				C	114-121(e)
Twin-house	C				114-121(c)
Two-flat house	C				114-121(d)
<b>Residential Zero Lot Line Structures</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>114-124(p)</b>
<b>Residential—Group Living</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Community living arrangement (one to eight residents)	C				114-123(d)
Community living arrangement (nine to 15 residents)	C				114-123(d)
Institutional residential	C	C	C	C	114-123(c)
<b>Civic and Institutional</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Group day care center (nine or more children)	C	C	C	C	114-124(l)
Boardinghouse	C	C	C	C	114-124(m)
Indoor institutional	C	C	C	C	114-123(a)
Outdoor institutional	C	C	C	C	114-123(b)
Communication towers	C	C	C	C	114-131
<b>Retail, Service, Recreation, Entertainment, Lodging, and other uses</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Bed and breakfast establishment	C	C	C	C	114-124(k)
Commercial animal boarding		C	C		114-124(i)
Commercial indoor lodging	C	C	C	C	114-124(j)
Indoor commercial entertainment	C	C	C	C	114-124(g)
Indoor maintenance service		P	P	P	114-124(e)
Indoor sales or services	C	P	P	P	114-124(c)
In-vehicle sales or service	C	C	C	C	114-124(f)
Office	P	P	P	P	114-124(a)
Outdoor commercial entertainment			C	C	114-124(h)
Outdoor sales and services		C	C		114-124(d)
Personal or professional services	P	P	P	P	114-124(b)
Vehicle repair and maintenance		C	C	C	114-124(o)
<b>Storage or Disposal Land Uses</b>		<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Personal storage facility		C	C		114-122(c)
<b>Commercial Zero Lot Line Structures</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>114-124(p)</b>

<b>Agricultural</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Cultivation	C	C	C	C	114-122(a)
<b>Transportation Land Uses</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Indoor vehicle storage	C	C	P	P	114-126(d)
Off-site parking lot			C	C	114-126(a)

Note: P = Permitted Use; C = Conditional Use

(c) *Non-residential district—Accessory land use table.*

<b>Non-Residential Districts—Accessory Land Uses</b>					
	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
Company provided on-site recreation	C	C	C	C	114-128(c)
Communication towers	C	C	C	C	114-131
Minor accessory structures	P	C	C	C	114-128(b)
Exterior communication devices	P	P	P	P	114-128(n)
Home occupation	P	C	C	C	114-128(f)
In-vehicle sales and service	C	C	C	C	114-124(f)
Light industrial incidental to indoor sales or service activities land use		C	C	C	114-128(f)
On-site parking	P	P	P	P	114-128(i)
Outdoor commercial entertainment		C	C	C	114-124(f)
Outdoor institutional	C	C	C	C	114-123(b)
Piers and wharfs	C	C		C	114-128(t)

Note: P = Permitted Use; C = Conditional Use

(d) *Non-residential districts—Temporary uses.*

<b>Non-Residential Districts—Temporary Uses</b>					
	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>	<b>Development Standards</b>
General temporary outdoor sales	T	T	T	T	114-129(a)
On-site real estate sales office	T	T	T	T	114-129(d)
Outdoor assembly	T	T	T	T	114-129(b)
Relocatable building	T	T	T	T	114-129(c)
Seasonal outdoor sales of farm products	T	T	T	T	114-129(e)

Note: T = Temporary Use

(e) *Non-residential districts—Non-residential use regulations.*

*Regulations.* The following regulations apply to the non-residential districts, in addition to the performance standards of article V of this chapter, the landscaping regulations of article VI of this chapter, and the signage regulations of article VII of this chapter:

<b>Non-Residential Uses</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>
(A) Min. zoning district area	9,000 sq. ft.	3 acres	1.5 acres	1 acre
(B) Min. lot area	9,000 sq. ft.	20,000 sq. ft.	9,000 sq. ft.	1,750 sq. ft.
(C) Max. princ. bldg. coverage	40 percent	40 percent	50 percent	100 percent
(D) Max. acc. bldg. coverage	10 percent	10 percent		
(E) Max. coverage of all bldgs.	50 percent	50 percent	60 percent	100 percent
(F) Max. bldg. size	5,000 sq. ft. per	n/a		
(G) Max. gross density/intensity	2 F; 0.25 FAR	4 F; 0.50 FAR	4 F; 0.60 FAR	4 F; 3.00 FAR
(H) Min. landscaping surface ratio	30 percent	25 percent	15 percent	0 percent
(I) Princ. bldgs. per lot	1 <sup>2</sup>			
(J) Min. lot width	75 feet	100 feet	75 feet	20 feet
(K) Min. street frontage	50 feet	50 feet		20 feet
(L) Front setback to princ. bldg.	25 feet/40 feet <sup>1, 3</sup>			0 feet <sup>6</sup>
(M) Front setback to acc. bldg.	25 feet/40 feet <sup>1, 3</sup>			
(N) Side setback to princ. bldg.	6 feet <sup>3</sup>	10 feet <sup>3</sup>		0 feet <sup>3, 6</sup>
(O) Side setback to acc. bldg.	# <sup>3</sup>	5 feet from property line; 8 ft from alley <sup>3</sup>		3 feet from property line; 6 feet from alley <sup>3</sup>
(P) Rear setback to princ. bldg.	30 feet <sup>3</sup>		25 feet <sup>3</sup>	8 feet <sup>3</sup>
(Q) Rear setback to acc. bldg.	# <sup>3</sup>	5 feet from property line; 8 ft from alley <sup>3</sup>		
(R) Peripheral (bufferyard) Setback	# <sup>3</sup>	<sup>3</sup>		
(S) Min. paved surface setback	5 feet from side or rear; 10 feet from street <sup>3</sup>			0 feet <sup>6</sup>
(T) Min. separation of princ. bldgs.	12 feet	20 feet	20 ft or 0 ft on zero lotline side	0 feet <sup>6</sup>
(U) Min. separation of acc. bldg.	10 feet	10 feet	10 feet	10 feet
(V) Max. princ. bldg. height	35 feet <sup>4</sup>	45 feet <sup>4</sup>	35 feet or greater with conditional use permit <sup>4</sup>	45 feet <sup>7</sup>
(W) Max. acc. bldg. height	15 feet <sup>4, 5</sup>			
(X) Min. parking	See land use table			<sup>8</sup>

# For single-family and two-family dwellings, follow standards of TR-6 district. For townhouse, multiplex, apartment and institutional residential development, follow standards of MR-10 district.

<sup>1</sup> The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

<sup>2</sup> More than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for a group development in compliance with section 114-130.

<sup>3</sup> Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks is provided in section 114-161(c).

- <sup>4</sup> Exceptions to height regulations are found in section 114-120(f).
- <sup>5</sup> Or the height of the principal building, whichever is lower.
- <sup>6</sup> Maximum permitted setbacks of zero feet, except where permitted by conditional use if determined by the plan commission as an essential component of site design.
- <sup>7</sup> For architectural consistency, buildings shall be a minimum of two stories in height, except when otherwise permitted by conditional use. Other exceptions to height regulations are found in section 114-161(d).
- <sup>8</sup> Existing parking/loading spaces shall not be reduced on existing structures, except by conditional use. Parking requirements for all new buildings and additions to existing buildings shall be established by conditional use.

(f) *Non-residential district—Residential uses regulation.*

*Regulations.* The following regulations apply to the non-residential districts, in addition to the performance standards of article V of this chapter, the landscaping regulations of article VI of this chapter, and the signage regulations of article VII of this chapter:

<b>Residential Uses</b>	<b>NB</b>	<b>PB</b>	<b>GB</b>	<b>CB</b>
(A) Min. zoning district area	9,000 sq. ft.	3 acres	1.5 acres	1 acre
(B) Min. lot area	#	20,000 sq. ft.	9,000 sq. ft.	
(C) Max. princ. bldg. coverage	40 percent	40 percent		70 percent
(D) Max. acc. bldg. coverage	10 percent	10 percent		
(E) Max. coverage of all bldgs.	50 percent	50 percent	60 percent	80 percent
(F) Max. bldg. size	5,000 sq. ft. per story	n/a		
(G) Max. gross density/intensity	Up to 6 du/acre per limits of the conditional use permit	Up to 50 du/acre per limits of the conditional use permit		
(H) Min. landscaping surface ratio	30 percent	50 percent		10 percent
(I) Princ. bldgs. per lot	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>	1 <sup>2</sup>
(J) Min. lot width	#	100 feet	75 feet	20 feet
(K) Min. street frontage	#	50 feet		20 feet
(L) Front setback to princ. bldg.	# <sup>3</sup>	25 feet/40 feet <sup>1, 3</sup>		0 feet <sup>3</sup>
(M) Front setback to acc. bldg.	# <sup>3</sup>	25 feet/40 feet <sup>1, 3</sup>		
(N) Side setback to princ. bldg.	# <sup>3</sup>	10 feet <sup>3</sup>	10 feet to residential lot line; 0 to nonresidential lotline <sup>3</sup>	0 feet
(O) Side setback to acc. bldg.	# <sup>3</sup>	5 feet from property line; 8 ft from alley <sup>3</sup>		
(P) Rear setback to princ. bldg.	# <sup>3</sup>	30 feet <sup>3</sup>		25 feet <sup>3</sup>
(Q) Rear setback to acc. bldg.	# <sup>3</sup>	5 feet from property line; 8 ft from alley <sup>3</sup>	5 feet from property line; 8 feet from alley <sup>3</sup>	3 feet from property line; 6 feet from alley <sup>4</sup>
(R) Peripheral (bufferyard) Setback	# <sup>3</sup>	<sup>3</sup>	<sup>3</sup>	<sup>4</sup>
(S) Min. paved surface setback	# <sup>3</sup>	5 feet from side or rear;	5 feet from side or rear;	0 feet

		10 ft from street <sup>3</sup>	10 feet from street <sup>3</sup>	
(T) Min. separation of princ. bldgs.	#	20 feet	12 feet	0 feet <sup>6</sup>
(U) Min. separation of acc. bldg.	10	10 feet		
(V) Max. princ. bldg. height	# <sup>4</sup>	35 feet <sup>4</sup>	35 feet or greater with conditional use permit <sup>4</sup>	45 feet <sup>7</sup>
(W) Max. acc. bldg. height	# <sup>4, 5</sup>	15 feet <sup>4, 5</sup>		
(X) Min. parking	3 spaces	3 spaces	3 spaces	1 space per 1 bdrm or efficiency du; 2 spaces per 2+ bdrm. du.
(Y) Min. dwelling core dimensions	#	24 ft x 40 ft		

# For single-family and two-family dwellings, follow standards of TR-6 district. For townhouse, multiplex, apartment and institutional residential development, follow standards of MR-10 district.

<sup>1</sup> The first number is for lots adjacent to streets with a right-of-way less than 100 feet, and the second number is for lots adjacent to a street with a right-of-way equal to or exceeding 100 feet.

<sup>2</sup> More than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for a group development in compliance with section 114-130.

<sup>3</sup> Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard. Adjustment to setbacks are provided in section 114-53(c).

<sup>4</sup> Exceptions to height regulations are found in section 114-53(d).

<sup>5</sup> Or the height of the principal building, whichever is lower.

<sup>6</sup> Maximum permitted setback of zero feet, except where permitted by conditional use if determined by the plan commission as an essential component of site design.

<sup>7</sup> For architectural consistency, buildings shall be a minimum of two stories in height, except when otherwise permitted by conditional use. Other exceptions to height regulations are found in section 114-53(d).

(Ord. No. 2017-1092 , § 1, 4-11-2017)

**Sec. 114-16. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abutting* means having a common border with, or being separated from, such common border only by an alley or easement.

*Access* means a means of vehicular or nonvehicular approach, i.e., entry to or exit from a property, street or highway.

*Access, direct*, means a condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

*Access, secondary*, means a means of vehicular or nonvehicular approach, entry to, or exit from property from a source other than a public street or highway.

*Activity center* means an area which is typified by a concentration of nonresidential and/or multifamily development.

*Addition*. In addition to the definition provided by the Wis. Admin. Code SPS 20.07(2), the term "addition" includes, but is not limited to, the following: decks made of any material and elevated more than two feet; balconies; swimming pools; and fireplaces.

*Adjacent* means abutting, or being located directly across a right-of-way from a separate lot.

*Alley* means a public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

*Animal unit* means a measure which represents a common term for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

Animal Unit Table	
Number of Animals/Unit	Type of Livestock
1.0	Horse (> 2 yrs), cattle (> 2 yrs)
2.0	Colt (< 2 yrs), cattle (< 2 yrs)
2.5	Brood sow or boar
4.0	Calves (< 1 yr)
5.0	Hogs (up to 220 lbs)
7.0	Sheep
14.0	Lamps
200.0	Chicken and other poultry

*Antenna* means any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g., television, radio, microwave, telephone, internet access or shortwave signals).

*Appeal* means a means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of section 114-295.



*Attic* means the area of a building which is used only for long-term storage or mechanical equipment and is not used for habitation or work space, and which is located between the roof framing and the ceiling of the highest habitable floor. Improvement to habitable status shall make it a story.

*Average ground elevation* means the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

*Awning* means a roof-like cover, often fabric, metal or glass, designed and intended for protection from weather or for decorative embellishment, which projects from a wall or from a roof of a structure, and is located over a window, walk, door or the like.

*Awning, fixed*, means an awning constructed with a rigid frame that cannot be routinely retracted, folded or collapsed, and then opened or unfolded.

*Awning, illuminated*, means a fixed awning covered with a translucent membrane that is, in whole or in part, illuminated by light passing through the membrane from within or underneath the awning structure.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (a/k/a the 100-year flood).

*Basement* means a portion of a building located partly underground, but having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

*Bedroom* means a room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

*Blanket variance* means a variance which is automatically granted by a provision of this chapter in order to reduce the creation of legal nonconforming developments or legal nonconforming residential structures.

*Bufferyard* means any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property.

*Building* means a structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term "building" is exclusive of structures or portions of structures which are not intended for shelter, such as open air decks and patios, open air balconies, outdoor pools, etc., which do not have a roof or other enclosure surrounding them. Where independent units with separate entrances are divided by shared walls, each unit is a building.

*Building, accessory*, means a building which:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this chapter; and
- (4) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

*Building coverage* means the percentage of a lot covered by the principal and accessory buildings, including all structures with a roof.

*Building front* means that exterior wall of a building which faces the front lot line of the lot.

*Building height* means the vertical distance between:

- (1) The lowest elevation of either the:
  - a. Adjoining ground level; or

- b. Established grade; and
- (2) The highest elevation of the:
  - a. Top of the cornice of a flat roof;
  - b. Deck line of a mansard roof;
  - c. Point of the roof directly above the highest wall of a shed roof;
  - d. Uppermost point on a round or other arch type roof;
  - e. Mean distance of the highest gable on a pitched or hip roof; or
  - f. Top of any structure attached to a building.

*Building line* means an imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance away to provide for the minimum yards required by this chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this chapter. The building line is also referred to as a setback line.

*Building, principal*, means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

*Building separation* means the narrowest distance between two buildings. See *Minimum building separation*.

*Building size* means the total gross floor area of all the floors of a building, including basements but not crawl spaces. See *Maximum building size*.

*Bulk (of a building)* means the combination of building height, size, and location on a lot.

*Bulkhead line* means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department of natural resources pursuant to Wis. Stats. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this chapter.

*Caliper* means a measurement of the size of a tree equal to the diameter of its trunk measurement one-half foot above natural grade. Used for trees in a nursery setting.

*Candlepower* means the amount of light that will illuminate a surface one foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

*Canopy* means a freestanding, permanently-roofed shelter projecting over a sidewalk, driveway, entry, service area, gas pump area or similar area, which shelter is supported, in whole or in part, by columns, poles or braces extending from the ground.

*Carport (land use)* means an open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See section 114-128(3).

*Cellar* means that portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

*Clerestory window* means a window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.

*Climax tree* means a tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, maple, etc.

*Commercial vehicle* means any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business

or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

*Communication tower* means a structure, whether free-standing or attached to an existing building or structure, other than a building or structure which is owned by the city in which located and dedicated to a governmental use or used as a warning siren site, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

*Community character* means the impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

*Comprehensive master plan* means the comprehensive master plan of the city, adopted November 22, 2016, and as subsequently amended.

*Conditional use.* See *Use, conditional*.

*Conditional use, limited.* See *Use, limited conditional*.

*Conservation envelope* means the area on a site which contains the resource protection area (RPA), within which site disruption, e.g., grading, vegetation clearing, building, etc., is limited or prohibited.

*Construction, start of,* means the installation of foundation footings and/or materials for road construction.

*Conventional residential development* means all residential land uses except institutional residential development, mobile home residential development and mobile home park residential development.

*Crawl space* means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

*Daycare.* See *Family day care home, Intermediate day care home, or Group day care center*.

*Deck* means a structure that has no roof or walls. A deck can be attached or detached to the principle structure. If attached, the deck is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade and must comply with the principle setback requirements or as modified by section 114-53(c). If detached, the deck shall be an accessory structure.

*Dedication* means the transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

*Density* means a term used to describe the maximum number of dwelling units and the minimum amount of landscaping required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including, but not limited to the:

- (1) Area of the site;
- (2) Proportion of the site not containing sensitive natural resources;
- (3) Zoning district in which the site is located;
- (4) Development option under which the site is developed; and
- (5) Use considered for development. (See *Intensity*, which is the term used to describe the same standards for nonresidential sites.)

*Developer* means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

*Development* means the division of a parcel of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this chapter.

*Development option* means the type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this chapter.

*Development pad* means the area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.

*Drainage* means the removal of surface water or groundwater from land by drains, grading, or other means. The term "drainage" includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

*Drainage way* means non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:

- (1) All areas within 75 feet of the ordinary high water mark of a perennial stream as shown on USGS 7.5-minute topographic maps for the city and its environs;
- (2) All areas within 50 feet of the ordinary high water mark of an intermittent stream or open channel drainage way as shown on USGS 7.5-minute topographic maps for the city and its environs.

*Dryland access* means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

*Dwelling* means a residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

*Dwelling, attached,* means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

*Dwelling, detached,* means a dwelling which is entirely surrounded by open space on the same lot.

*Dwelling, single-family detached.* means a dwelling located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

*Dwelling unit* means a room or group of rooms providing or intended to provide permanent living quarters for not more than one family.

*Dwelling unit separation* means the narrowest distance between two dwelling units. See *Minimum dwelling unit separation*.

*Easement* means written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the register of deeds' office.

*Elevated building* means a non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

*Encroachment* means any unauthorized and/or unpermitted fill, structure, building, use, or development in or on a floodway, easement, right-of-way or property.

*Environmental control facility* means any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or

to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

*Environs (of the city)* mean the area in which the city may exercise extraterritorial powers.

*Erosion* means the detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

*Essential services* mean facilities that are:

- (1) Owned or maintained by public utility companies or public agencies;
- (2) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
- (3) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and
- (4) Do not include any cross-country lines on towers.

*Extraterritorial area* means the area outside of the city limits in which the city exercises extraterritorial powers pursuant to Wis. Stats. § 62.23(7a).

*Family* means an group of individuals living together as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

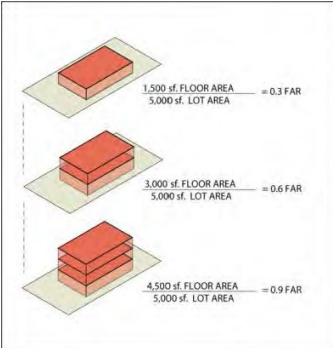
*Fence* means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

*Fence, solid*, means any fence which cannot be seen through. Such fences include basket weave fences, stockade fences, plank fences, and similar fences.

*First habitable floor*. means the top surface above an unfinished basement, cellar, or crawl space that is intended for living quarters.

*Floor (F)* means a habitable level of a building, typically not including unfinished basement, cellar, crawlspace, or attics that are unintended for living quarters.

*Floor area* means the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.



*Floor area ratio (FAR)* means the ratio calculated by dividing the total floor area of all buildings on a site by the area of the subject lot. See *Maximum floor area ratio*.

*Foot candle* means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

*Freeboard* means a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or streambed.

*Garage, residential*, means a detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of 10,000 pounds.

*General floor plans* means a graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

*Glare* means the brightness of a light source which causes eye discomfort.

*Green space* means the area of a site upon which site disruption and site development are strictly limited. The term "green space" consists of the following:

- (1) Resource protection areas (RPA);
- (2) Areas devoted to land uses which incorporate natural resources, such as passive outdoor public recreational land use (section 114-123(a)), or outdoor institutional land use (section 114-123(d));
- (3) Portions of a site which are prevented from development by deed restrictions; and
- (4) Any area included within a lot that:
  - a. Is not defined as an impervious surface under this section; and
  - b. Maintains living vegetation.

*Gross density* means the result of dividing the number of dwelling units located on a site by the gross site area. See *Maximum gross density*.

*Gross floor area (GFA)* means the total habitable floor area on all levels of a building.

*Gross site area (GSA)*.

- (1) The term "gross site area" means the total area of a site or parcel, minus all of the following:
  - a. Existing and proposed rights-of-way of roads and public facilities;
  - b. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
  - c. Land which is proposed for a different development option or a different zoning district; and
  - d. Areas of navigable waters (lakes and streams).
- (2) GSA is calculated whenever a person wishes to develop a parcel or site, e.g., any subdivision of land or the creation of a plat. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site.

*Hearing notice* means publication or posting which meets the requirements of Wis. Stats. ch. 985. Class 1 notice is the minimum required for appeals, published once at least one week (seven days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map

amendments, published twice, once each week consecutively, the last at least a week (seven days) before the hearing.

*High flood damage potential* means any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

*Holding zone* means a zoning district designed to limit development potential until adequate public services and infrastructure are provided.

*Impervious surface* means areas which prohibit infiltration of storm water. Concrete, brick, asphalt and similar paved surfaces are considered impervious. Gravel areas and areas with landscaped pavers which are intended for vehicular traffic are considered to be impervious.

*Increase in regional flood height* means a calculated upward rise in the regional flood elevation, equal or greater than one one-hundredth of a foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

*Institutional residential unit* means a dwelling unit contained in an institutional residential development.

*Intensity* means a term used to describe the maximum amount of gross floor area and the minimum amount of landscaping required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including, but not limited to the:

- (1) Area of the site;
- (2) Proportion of the site not containing sensitive natural resources;
- (3) Zoning district in which the site is located;
- (4) Development option under which the site is developed; and
- (5) Use considered for development. See *Density*, which is the term used to describe the same standards for residential sites.

*Interchange* means a grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

*Lakeshore.*

- (1) The term "lakeshore" means those lands lying between the ordinary water line of navigable waters and either:
  - a. The backside of the principal structure on the lot; or
  - b. A point 75 feet from said water line, whichever is closer to said water line.
- (2) The term "lakeshore" shall not include those lands adjacent to farm drainage ditches where:
  - a. Such lands are not adjacent to a navigable stream or river;
  - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
  - c. Such lands are maintained in non-structural agricultural use.

*Landscape surface ratio (LSR)* means the percentage of the Gross Site Area (GSA) which must be preserved for landscaped area. LSR is calculated by dividing the total landscaped area of a lot by the GSA.

*Landscaped area (LA)* means the area of a site which is not covered by impervious surfaces and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers,

shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters and the area landscaped pursuant to article VI of this chapter. The term "landscaped area" may also include resource protection areas (RPA) and other green space.

*Lawn ornament* means walks, drives, paved terraces and purely decorative garden accessories, such as small pools (not intended for human use), fountains, bird baths, statuary, sun dials, flag poles, etc.

*Local residential street* means a road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

*Lot* means a parcel of land that is:

- (1) Undivided by any street or private road;
- (2) Occupied by, or is designated to be developed for, one building or one principal use; and
- (3) Either:
  - a. Designated as a single lot on a plat or certified survey map; or
  - b. Is a combination of contiguous lots owned by a single entity and identified as a single tax parcel (e.g., a group of three contiguous lots in a residential neighborhood, which are combined into a single tax parcel, and upon which a single home and accessory structures are placed).

*Lot area* means the area contained within the property boundaries of a recorded lot. Lot area has the effect of limiting the density and intensity of development on a lot.

*Lot, corner*, means a lot situated at the junction of and abutting on two or more intersection streets or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

*Lot depth* means the average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.

*Lot frontage* means lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided at each such line.

*Lot interior* means a lot other than a corner lot.

*Lot line* means the property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this chapter.

*Lot line, front*, means a lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

*Lot line, rear*, means, in the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.

*Lot line, side*, means any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

*Lot line, street side*, means any lot line which abuts a public or private street right-of-way which is not the front lot line.

*Lot of record* means a platted lot; or lot described in a certified survey map by metes and bounds, which has been approved by the city or by the county and has been recorded in the office of the register of deeds.



*Lot, through*, means a lot which has a pair of opposite lot lines abutting two substantially parallel streets, one or more of which may be a portion of a cul-de-sac; Except for through lots which abut an arterial or nonresidential collector street, through lots are prohibited.

*Lot width* means the maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard.

*Lowest floor* means the lowest enclosed floor, including basement. Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

*Manufactured dwelling (modular)* means a dwelling structure or component thereof, as defined in the state uniform dwelling code, Wis. Admin. Code SPS 320.07(52m), which bears the state department of commerce insignia certifying that it has been inspected and found to be in compliance with subchapter V of said uniform dwelling code (Wis. Admin. Code SPS 320.12 et seq.).

*Manufactured home* means a single-family dwelling structure or component thereof, fabricated in an off-site manufacturing facility, for installation or assembly at the building site, bearing HUD label or insignia certifying that it is built in compliance with the federal manufactured housing construction standards under 42 USC 5401 to 5426.

*Maximum accessory building coverage* means the largest permitted area of all accessory buildings on a lot.

*Maximum building coverage (MBC)* means the largest permitted area (footprint) of all buildings on a lot.

*Maximum building size (MBS)* means the largest permitted total gross floor area a building may contain. See *Building size*.

*Maximum floor area ratio (FAR)* means the largest floor area ratio permitted on a lot. See *Floor area ratio*.

*Maximum gross density (MGD)* means the maximum number of dwelling units permitted on one acre (or 43,560 square feet) of lot area in a specific zoning district and land use.

*Maximum height* means the maximum height of the highest portion of any structure. See *Height*.

*Maximum number of floors* means the maximum number of floors a building is permitted to contain in a zoning district.

*Minimum building separation* means the narrowest permitted building separation.

*Minimum dwelling unit separation* means the narrowest permitted dwelling unit separation.

*Minimum floor elevation* means the lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement or cellar floor, but not a crawl space.

*Minimum landscape surface ratio (LSR)* means the minimum permitted percentage of area of a lot that must be preserved as landscaped area. See *landscape surface ratio*.

*Minimum lot area (MLA)* means the minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the density of a residential site, and the intensity of a nonresidential site.

*Minimum lot width* means the smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

*Minimum setback* means the narrowest distance permitted from a street, side, or rear property line to a structure.

*Minimum site area (MSA)* means the minimum gross site area in which the specified development option may occur. See *Gross site area (GSA)*.

*Minimum zoning district area (MZA)* means the minimum area of a zoning district. This is intended to prevent spot zoning of small areas.

*Mobile home* means a type of residential land use defined and regulated in section 114-121(i).

*Mobile home/manufactured home park* means a type of residential land use defined and regulated in section 114-121(j).

*Natural resource protection area*. See *Resource protection area (RPA)*.

*Natural resource protection overlay zoning districts* means zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources.

*Navigable water* means rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the U.S. Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.

*Net developable area (NDA)* means the area of a parcel or site which may be disturbed by development activity. Net developable area is the result of subtracting resource protection areas (RPA) from the gross site area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development

*Nonconforming building or structure* means any building, or other structure, which is lawfully existing under provisions preceding this chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this chapter.

*Nonconforming development* means a lawful development approved under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if the development were to be created under the current provisions of this chapter.

*Nonconforming use* means an active and actual use of land, buildings or structures lawfully existing prior to this chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this chapter.

*Noxious matter or materials* means material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

*Obstruction to flow* means any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

*Official map* means the map adopted by the common council which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by state statutes.

*Off-site parking lot (land use)*. See section 114-126(a).

*On-site* means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

*Opacity* means the degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

*Open sales lot* means an unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

*Ordinary high water mark* means the point on the bank or shore of a body of water 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 characteristics.

*Overlay zoning district* means a zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in article II of this chapter, as well as the general restrictions of this chapter.

*Owner* means the person or entity which holds legal title to a lot or parcel of land.

*Parcel (a/k/a site)* means a tract of land designated for development or redevelopment. Typically, a parcel is either:

- (1) A tract of land under single ownership, which typically has not been divided by streets, has not been designated for a principal use, and has not been divided into recorded lots; or
- (2) In the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.

*Performance guarantee* means a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the chapter, regulations and the approved plans and specifications of a development.

*Performance standard* means criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

*Peripheral setback* means the distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to, not overlapping with, regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.

*Principal use* means any and all of the primary uses of a property, as determined by the zoning administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per articles II, III and IV of this chapter.

*Private sewage system* means any sewage treatment and disposal system within the city which is not owned and operated by the city. The term "private sewage system" includes alternative sewage systems approved by the department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

*Protected natural resources* means resources, such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this chapter.

*Public improvement* means any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs, such as streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

*Public sewer* means the sanitary sewer system owned and operated by the city.

*Recorded lot.* See *Lot of record.*

*Recreational vehicle* means a vehicle designed and used principally for the transport of persons.

*Residentially zoned* means a property located in a residential district per article II of this chapter.

*Resource protection area (RPA)* means the area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.

*Restrictive, more (less).* Regulation imposed by this chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

*Scale (of development)* means the gross floor area, height, or volume of a single structure or group of structures.

*Sedimentation* means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

*Setback* means the shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. Various setback requirements are established in each zoning district

*Shrub* means a low lying deciduous or evergreen plant. See article VI of this chapter.

*Site evaluation worksheet* means a worksheet designed to assist persons interested in developing a site, parcel or lot in the city, e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development. This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs one acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a one-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainage ways, and other areas protected under this chapter.

*Skylight* means a window or other paned area located on the ceiling or roof of a structure.

*Standard industrial classification code (SIC)* means the numeric code for categorizing land uses developed by the U.S. Department of Commerce. SIC codes in this chapter are based on the listing contained within the 1987 manual.

*Standard pavement width* means required pavement width per the city subdivision ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the director of public works.

*Standard zoning districts* means zoning districts which primarily regulate the use of land and intensity or density of such use. See article II of this chapter.

*Start of construction* means the date the building permit is issued, provided the actual start of activity was within 730 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site, such as the pouring of a slab or footings, the installation of piles, or the construction of columns. The term "permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

*Story means* that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

*Street means*, unless specifically designated otherwise by the common council, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is 22 feet or more in width if it exists at the time of enactment of this chapter; and any such public right-of-way 60 feet or more in width when established after the effective date of the ordinance from which this chapter is derived.

*Street, arterial,* means a street which is anticipated to carry in excess of 3,500 vehicles per day in traffic volume, at desirable speeds ranging from 30 to 45 miles per hour, and which is used for travel between areas within and outside the city and is defined specifically as such on the zoning map.

*Street, collector*, means a street which is anticipated to carry from 2,500 to 5,000 vehicles per day in traffic volume, at desirable speeds ranging from 25 to 35 miles per hour, which serves a collecting function by distributing traffic between local streets and arterial streets and is defined specifically as such on the zoning map.

*Street, local*, means a street which is anticipated to carry less than 2,500 vehicles per day in traffic volume at desirable speeds up to 25 miles per hour, and which provides access to abutting property and primarily serves local traffic and is defined specifically as such on the zoning map.

*Street, local residential*, means a local street serving primarily to collect traffic originating directly from residential driveways and private residential courts and streets.

*Street, residential collector*, means a collector street serving primarily residential land uses which serves to connect local residential streets to collector or arterial streets.

*Strip development* means a pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

*Substandard lot* means a lot of record which lawfully existed prior to this chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this chapter. See section 114-77.

*Substantial improvement* means any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term "substantial improvement" does not, however, include either:

- (1) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to ensure safe living conditions; and
- (2) Any alteration of a structure or site documented as deserving preservation by the state historical society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. For purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

*Structure* means anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

*Swale* means a linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

*Trademark architecture* means a structure using combinations of building styles, forms, configurations, patterns or arrangements of solids and voids, materials, finishes, colors, signage, lighting and/or appurtenances typically associated with and frequently used by a specific land use, tenant, or corporations part of a self-identified image, character or marketing strategy.

*Unnecessary hardship* means the circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

*Use, conditional*, means a land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses which are of such a special nature or which are so dependent upon actual

contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (article II of this chapter) and overlay zoning district (article III of this chapter) in which the use is located, plus any requirements applicable to that particular land use as contained in article IV of this chapter, plus any additional requirements imposed as part of the conditional use process contained in article VIII of this chapter. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of section 114-288.

*Use, permitted*, means a land use which is allowed to develop without special oversight by the plan commission through the conditional use process (section 114-288), but instead, is allowed to develop subject to the zoning permit process (section 114-287) administered by the zoning administrator. However, permitted uses, like conditional uses, are subject to all the requirements of the specific standard zoning district (article II of this chapter) and overlay zoning district (article III of this chapter) in which the use is located, plus the general land use requirements of article IV of this chapter, the general standards and regulations of article II of this chapter, and the other applicable provisions of this chapter. Before any permitted use is commenced, changed or altered, a zoning permit must be obtained.

*Use, temporary*, means a land use, identified in section 114-129, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (article II of this chapter) and overlay zoning district (article III of this chapter) in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in article IV of this chapter. Temporary uses are granted pursuant to the procedures of section 114-289.

*Utility vehicle* means a vehicle designed and used primarily for the transport of equipment and/or materials.

*Variance* means permission to depart from the literal requirements of this chapter granted pursuant to section 114-293.

*Vision clearance triangle* means an occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

*Wisconsin wetland inventory map* means maps prepared by the state department of natural resources.

*Woodland* means areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5-minute topographic maps for the city and its environs.

*Yard* means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

*Yard, front*, means a yard extending along each street that abuts a lot, and extending from the street right-of-way line to a depth required by the front yard regulations of the district in which such lot is located. Lots which abut on more than one street, e.g., corner lots, have a front yard on each abutting street. (See section 114-53(c) regarding yard setback adjustments.)

*Yard, rear*, means a yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

*Yard, side*, means a yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

*Yard, street*, means any yard which extends along a street right-of-way, and which shall have a consistent depth equal to the distance from the street right-of-way to the closest edge of the principal structure on the lot. The term "street yard" may include front yards, rear yards and side yards.

***Zero lot line structure means a structure that is built on the property line, such as a twin house, townhouse, or downtown unit.***

*Zoning administrator* means the person authorized and charged by the city with the administration of this chapter. See section 114-297.

*Zoning district* means a geographic area of the city which is identified on the official zoning map and which is subject to the rules and regulations set forth in this chapter. Article II of this chapter identifies the standard zoning districts into which the entire city is divided, and article III of this chapter identifies the overlay zoning districts which cover part of the city.

*Zoning district categories* means categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the residential category. See article II of this chapter for agricultural, residential, nonresidential and planned development categories, and see article III of this chapter for natural resource protection and community character overlay categories.

(Ord. No. 2017-1092 , § 1, 4-11-2017)