



## PLAN COMMISSION MEETING AGENDA

September 04, 2024 at 6:30 PM  
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call**
2. **Discussion and action relating to Minutes**
  - a. July 31, 2024
3. **Discussion and recommendation regarding Conditional Uses for:**
  - a. Discussion and recommendation to approve 1045 E. State Street- Owner Frank Murray, Jr., CJJ's Towing and Auto Repair Resolution 2024-P-04 Conditional Use Permit.
4. **Discussion and recommendation regarding Zoning Code Rewrite**
  - a. Zoning Code Rewrites
5. **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*



## PLAN COMMISSION MINUTES

July 31, 2024 at 6:30 PM

303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call**-The Mauston Plan Commission met on Wednesday, July 31, 2024, in the Council Chambers of City Hall. The meeting was called to order by Mayor Teske at 6:30 pm. Present were Mark Messer, Lenord Kluge, Brian McGuire, Devan Minard, and Mayor Darryl Teske. Absent was Paul Coggins. Also, present was Zoning Administrator Allison Schwark.
2. **Minutes**-The motion was made by McGuire and seconded by Minard to approve the minutes of June 19, 2024. Motion carried.
3. **Conditional Uses Applications:**
  - a. **1045 E State Street Discussion**- Discussion began, no public was present for meeting or comment. Plan Commission members discussed the proposed CUP for CJJS Towing and Auto Repair. A Motion was made to table until the following Plan Commission Meeting when the Conditions were written, and all Plan Commission members were present. Motion by McGuire, second by Kluge. The motion was then amended to add agreed-upon conditions to the CUP. Motion carried.  
  
The conditions agreed upon by Plan Commission are as follows: All vehicles shall be stored behind 8ft privacy fencing, privacy fencing shall be installed around the perimeter of the property before any vehicles are stored on-site, all vehicles shall be parked on crushed limestone or similar, only licensed registered and operable vehicles shall be parked outside the fencing, vehicles shall only remain on site for a maximum of 90 days, the property owner shall keep a log book of all vehicles stored on site with the date they arrive and leave which the city shall have access to upon request, the city shall have the right to enter onto the property for systematic inspections as needed.
  - b. **512 Gateway Avenue Discussion**- Discussion on CUP for Electronic Message sign for a Remax facility. Plan Commission members agreed the sign looked great and was a nice improvement. Zoning Admin explained that the sign met all requirements of the ordinance. Motion to approve by McGuire, second by Kluge. Motion carried.
  - c. **337 E State Street Discussion**- Discussion on CUP for Group Development for Kyle Randall at 337 E State Street to open up two businesses in one building. The Plan Commission Members agreed it was a great, and much-needed improvement to the City. Motion to approve with no conditions by Kluge, second Teske. Motion carried.

4. **Adjourn-** Motion to Adjourn by Minard second by Kluge. Motion carried.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date



## CHAPTER 114 ZONING APPLICATION FORM

### I. APPLICANT INFORMATION

Name: Frank Murray Jr  
 Address: 10451 E State St, Mauston, WI  
 Telephone: 608-350-6779 Fax: \_\_\_\_\_

### II. PROPERTY OWNER INFORMATION (if different from Applicant)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

### III. CONSULTANT(S) INFORMATION (Applicant's Architect, Engineer, Developer, Builder) (Attach additional sheets if necessary)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 State License/Certification #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

### IV. PROPERTY INFORMATION


Address: \_\_\_\_\_  
 Tax Parcel #: 292510300.2 Attach a copy of the Owner's deed to the property.  
 Approximate Cost of Project: \_\_\_\_\_

### V. ZONING APPLICATION (Check the type(s) of application(s) you are submitting) (Refer to Zoning Ordinance Chapter 114, Article. VIII: Procedures and Administration, for details)

|  | (Checklist No.)                             |
|--|---|
| Amendment of Zoning Regulations (per Section 114-285)          | 1 <input type="checkbox"/>                  |
| Amendment to the Official Zoning Maps (per Section 114-286)    | 2 <input type="checkbox"/>                  |
| Zoning Permit for (check as appropriate)                       |   |
| Permitted Use (per Section 114-287) (May require site plan)    | 3 <input type="checkbox"/>                  |
| Conditional Use (per Section 114-288) (Requires site plan)     | 4 and 7 <input checked="" type="checkbox"/> |
| Temporary Use (per Section 114-289)                            | 5 <input type="checkbox"/>                  |
| Sign Permit (per Section 114-290)                              | 6 <input type="checkbox"/>                  |
| Site Plan Approval (per Section 114-291)                       | 7 <input type="checkbox"/>                  |
| Zoning Certificate of Occupancy (per Section 114-292)          | na <input type="checkbox"/>                 |
| Variance (per Section 114-293) (Requires site plan)            | 8 <input type="checkbox"/>                  |
| Ordinance Interpretation (per Section 114-294)                 | 9 <input type="checkbox"/>                  |
| Appeal of Zoning Decision (per Section 114-295)                | 10 <input type="checkbox"/>                 |
| Creation of Planned Development District (per Section 114-296) | 11 <input type="checkbox"/>                 |
| Other Permits/Licenses (D.P.W./Fire/Clerk)                     | 12 <input type="checkbox"/>                 |

**VI. CERTIFICATION BY APPLICANT AND PROPERTY OWNER**

I (We) hereby certify that the above and foregoing information, including any information on attached forms, documents or drawings submitted herewith, is true and correct. I (We) understand that the work proposed to be performed and the improvements proposed to be installed pursuant to this application, may not be commenced until an appropriate permit for such work and improvement has been issued by the City. I (We) understand that all work performed and improvements installed pursuant to this application, must conform with all applicable City Ordinances, State Building Codes, and the specific terms and conditions of the permit granted. I (We) understand that the submission of false or misleading information on this Application, or on the forms, documents or drawings submitted herewith, shall justify rejection of this application by the City, forfeiture of the fees paid herewith, and rejection of any future application to the City for the project which is the subject of this application.

  
Signature of applicant

6/17/24

  
Date

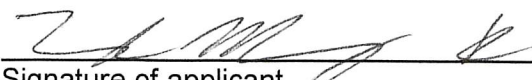
\_\_\_\_\_  
Signature of Property Owner (if different from Applicant)

\_\_\_\_\_  
Date

**VII. AGREEMENT REGARDING PAYMENT OF REIMBURSABLE COSTS**

1. The undersigned acknowledge that he/she/they have read the Ordinance 114-301(d), and understand and agree that he/she/they are the" applicant" as referred to in said Ordinance, and do hereby agree to comply with said Ordinance.
2. The undersigned agree that the submittal of this Application shall constitute an acknowledgment and agreement by the undersigned to pay the Reimbursable Costs referred to in Ordinance 114-301(d). These costs may include the cost of time spent by the City Staff and the Fees of Engineers, Architects, Landscape Architects, Urban Planners, Attorneys, Accounts, or other professional consultants used to review and evaluate the Application, and to meet with the Applicant, to review and evaluate the Site Plan, and to meet with the Developer, to meet with the Plan Commission, and to assist the City in all aspects of review and action upon the development proposed by the Site Plan.
3. The Undersigned agrees to pay these Reimbursable Costs as follows:
  - (a) In advance, such amounts as may be requested by the City, and
  - (b) Within ten (10) days of receipt of a bill(s) from the City, such additional amounts as may be requested by the City.

The City may delay acceptance or approval of any application, or may delay any required hearing or interim administrative action on any application, until such time as such costs are paid.

  
Signature of applicant

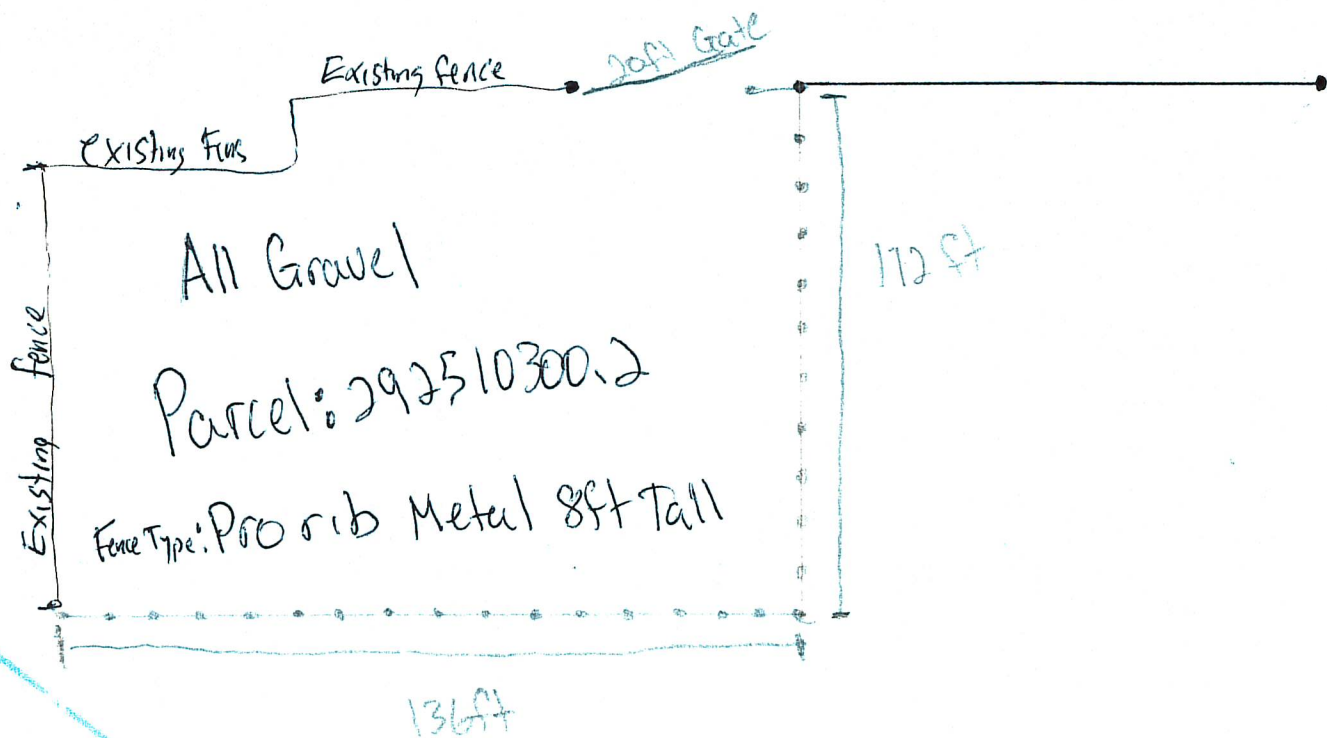
6/17/24

  
Date

\_\_\_\_\_  
Signature of property owner (if different from applicant)

\_\_\_\_\_  
Date





**CITY OF MAUSTON  
NOTICE OF PUBLIC HEARING**

**CONDITIONAL USE PERMIT**

Notice is hereby given that a public hearing will be held before the City Council of the City of Mauston on August 13, 2024, at 6:30 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 the application submitted by Frank Murray Jr., CJJ's Towing and Auto Repair for continued operation of a towing and repair company which shall incorporate outdoor service, maintenance, and repairs as well as outdoor vehicle storage on the vacant parcels across the street from 1045 E State Street. The property is more precisely identified by the following tax parcel ID numbers:

**292510300.2, 292510301, and 292510302**

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 18th day of July 2024.

Allison Schwark  
Zoning Administrator

Publish 2x: 07/25/24 & 08/01/24  
Juneau County Star-Times

**City of Mauston Resolution 2024-P-04**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR AUTO REPAIR AND  
OUTDOOR VEHICLE STORAGE IN CONJUNCTION WITH TOWING COMPANY**

**Return Address:** City of Mauston  
Attn: Nicole Lyddy  
303 Mansion Street  
Mauston, Wisconsin 53948

**Parcel I.D.**                **292510300.2, 292510301, and 292510302**

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**APPLICANT:** Frank Murray Jr.

**PROPERTY OWNER:**        CJJS TOWING & REPAIR LLC

**PROPERTY AFFECTED:** 292510300.2, 292510301, and 292510302  
**Address:** 1045 E State Street

**Legal Description:**  
ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR PT. OF LOT 13  
  
ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR LOT 14, W. 50' OF LOT 15 S. 12' OF W.  
50' OF LOT 15  
  
ASSESSOR'S PLAT #1 TOWN OF LEMONWEIR LOT 15 EX. W. 50' & EX. S. 12' OF W.  
50' (IN REM, 6/22/01)

**WHEREAS**, the City of Mauston has received a request for a Conditional Use by the above Applicant regarding the above property, which application is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Plan Commission has conducted a public hearing on said application and has carefully evaluated the application, along with input from City staff and consultants.

**NOW, THEREFORE**, the Plan Commission of the City of Mauston does hereby resolve as follows:

**BE IT FURTHER RESOLVED** that the Mauston Plan Commission finds that this application for a Conditional Use satisfies the standards required by Section 114-288 of the Zoning Ordinance, specifically as follows:

- (a)     The Plan Commission finds that the proposed Conditional Use, in general, independent of its location, is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.



- (b) The Plan Commission finds that the proposed Conditional Use, in its proposed specific location, is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.
- (c) The proposed Conditional Use will not cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
- (d) The proposed Conditional Use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- (e) The proposed Conditional Use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
- (f) The potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.

**BE IT FURTHER RESOLVED** that the Mauston Plan Commission approves the application for a Conditional Use subject to the following conditions and restrictions, which shall be perpetual, unless and until changed by action of the Plan Commission or until the Applicant ceases the use of the property which is conditionally approved herein:

**1. APPROVED USE.** The Applicant is hereby authorized to use the property, which is located in the Planned Business District, for the principal land use of automotive repair and towing with temporary outdoor vehicle storage, which is allowed as a "conditional use" pursuant to Sec. 114-46, subject to all the general regulations of the Zoning Ordinance and subject to the following conditions.

**2. SITE PLAN APPROVAL.** The Site Plan, dated **June 17, 2024**, which is attached hereto and incorporated herein by reference, is approved. Construction of this project shall be completed in substantial conformance with the attached Site Plan, including all hand-written additions thereto and notations thereon which bear the initials of the Applicant and the City. All areas in which vehicles are parked on shall be surfaced with asphalt, crushed limestone, or similar materials. A solid perimeter fence with a height of 8 feet shall be installed around the entire perimeter of area in which the vehicles will be stored. The fence shall be kept in good condition, and free from all deterioration.

**3. OUTSIDE STORAGE.** No outside storage shall be permitted outside the fully enclosed fence area. All tires shall be stacked neatly and stored out of public view. Vehicle parts are not permitted to be stored on site in public view, or outside of an enclosed building. Junked vehicles shall never be kept outside of the fenced in areas, or within grassy areas. All vehicles within the fenced area shall not remain on site longer than a period of 90 days. The owner shall be responsible for keeping a log book documenting the vehicles stored on site, and shall be required to provide documentation to the City of Mauston upon request. No other outdoor storage is permitted.

**4. ACCESSORY STRUCTURES.** No accessory structures are approved or permitted.

**5. PARKING ON STREETS.** Not permitted at any time.

**6. DRIVEWAYS AND ACCESS.**

- (a) The access and driveway shall comply with the standards of Article 5 of the zoning ordinance.

**7. COMPLETION DATE.** The property may not be used or occupied for the Conditional Use granted herein until **ALL** the terms and conditions of this document are completed and fulfilled.

**8. CHANGES.** Pursuant to section 114-288 of the Zoning Ordinance, the Applicant may apply to the Zoning Administrator for “minor” changes to the Site Plan or this Conditional Use, which changes may be granted, in writing, by the Zoning Administrator, provided (i) the changes do not violate any of the minimum standards of the Mauston Zoning Ordinance and (ii) the spirit and intent of the original Conditional Use is preserved. The Zoning Administer shall determine, in his/her sole discretion, whether a change is “minor”. All changes which are not “minor” shall be submitted to and approved in writing by the Plan Commission. Whenever an approved change alters any part of a recorded document, the document which authorizes said change shall also be recorded.

**9. OTHER REGULATIONS.** Nothing herein shall constitute a waiver or limitation of the Applicant’s compliance with all other Mauston ordinances and regulations, including all other requirements of the Mauston Zoning Ordinance. Additionally, this Conditional Use shall not cause or create harm, or have any negative environmental factors upon the parcels, or adjacent parcels. Vehicles shall not discharge or omit harmful waste, gasoline, oil, or any other fluid or chemical into the ground.

**10. ENFORCEMENT.** The conditions imposed herein (including the conditions imposed by any plans or changes submitted hereafter), shall all be enforced as on-going conditions of this Conditional Use Resolution. Failure of the Applicant to comply with these conditions, shall entitle the City to take enforcement action, which may include fines, forfeitures, injunctions, and/or termination of this Resolution, which in turn will require the Applicant to cease the use of the property authorized herein until a new Conditional Use is approved. The City Zoning department or designee shall have the authority to enter onto the property for systematic inspections if desired.

**11. RECORDING.** A copy of this Resolution, without attachments, shall be recorded with the Juneau County Register of Deeds.

**12. BINDING AFFECT:** This Resolution shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of both parties. Nothing herein shall be construed as limiting the right of the Owner to sell, give, or otherwise convey the premises, provided that the use and occupancy of the premises by any new owner shall be subject to the terms of this Resolution, which shall run with the land and which shall be perpetual, unless and until changed by action of the Plan Commission.

**13. APPLICANT / OWNER APPROVAL.** This Conditional Use shall not become effective and shall not be recorded until the Applicant and Owner acknowledges his/her/its acceptance of this Conditional Use by signing this Document in the space provided below.

Introduced and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF MAUSTON COMMON COUNCIL**

**Approved:** \_\_\_\_\_ **Attest:** \_\_\_\_\_  
Daryl DD Teske, Mayor Daron Haugh, Administrator

**APPLICANT APPROVAL**

The undersigned Applicant hereby acknowledges receipt of this Conditional Use and hereby acknowledges that the development and use of the property shall conform with the terms and conditions of this Conditional Use and the Mauston Zoning Ordinance.

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

This document drafted by:  
Allison Schwark-Zoning Administrator, Mauston, WI 53948

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**ARTICLE II. STANDARD ZONING DISTRICTS**

**Sec. 114-21. Zoning Districts**

- (a) ESTABLISHMENT. The following zoning districts are hereby established:
1. Residential Districts
    - a) SR Suburban Residential District
    - b) MH Manufactured Home and Mobile Home Community District
    - c) MF Multi-Family Residential District
    - d) PUD Planned Unit Development District
  2. Business Districts
    - a) NB Neighborhood Business District
    - b) PB Planned Business District
    - c) GB General Business District
    - d) CB Central Business District
    - e) PUD Planned Unit Development District
  3. Industrial Districts
    - a) G1 General Industrial District
    - b) H1 Heavy Industrial District
    - c) PUD Planned Unit Development District
  4. Extra-Territorial District
- (b) The boundaries of these districts are hereby established as shown on a map entitled, "City of Mauston, Wisconsin Zoning Map" (as revised) which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow corporate limits; U.S. Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended unless otherwise noted on the Zoning Map.
- (c) ANNEXATIONS. The Plan Commission may, in accordance with the procedures in Section 114-15, recommend the zoning district classification(s) for land proposed to be annexed to the City, prior to approval by the Common Council of the annexation ordinance. In such a case, the Common Council may hold the required public hearing on the proposed zoning district(s) concurrently with the annexation public hearing. Should the Plan Commission not make a recommendation prior to Common Council consideration, the property in question shall be temporarily placed in a district by the annexation ordinance. Within three (3) months the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council.
- (d) ZONING MAP. The Zoning Map adopted as part of this Ordinance shall bear upon its face the attestation of the City Administrator and City Clerk and shall be available to the public in the Office of the Zoning Department. Zoning changes thereafter shall not be effective until publication and entry on the Zoning Map.

- (e) DETERMINATION OF SIMILAR AND COMPATIBLE USES. In all districts except the SR, MH and MF districts, the Zoning Administrator may determine if a use not specifically enumerated within that district is similar to the specified uses already listed. If the use is determined to be similar, that use may be allowed as a specified use. If the Zoning Administrator determines that an unclassified use is compatible with the uses allowed within the district and is consistent with the purpose and intent of the zoning district but is not similar to the specified uses already permitted, the person(s) requesting said use may apply for a Conditional Use Permit.

**Sec. 114-22. SR Suburban Residential District**

Insert once Randy completes review of draft sent to him

**Sec. 114-23. MH Manufactured Home and Mobile Home Community District**

Insert once Randy completes review of draft sent to him

**Sec. 114-24. MF Multi-Family Residential District**

Insert once Randy completes review of draft sent to him

**Sec. 114-25. PB Planned Business District**

Insert once Randy completes review of draft sent to him

**Sec. 114-26. GB General Business District**

Insert once Randy completes review of draft sent to him

**Sec. 114-27. CB Central Business District**

Insert once Randy completes review of draft sent to him

**Sec. 114-28. G1 General Industrial District**

Insert once Randy completes review of draft sent to him

**Sec. 114-29. Heavy Industrial District**

Insert once Randy completes review of draft sent to him

**Sec. 114-30. Extraterritorial Zoning District**

## ARTICLE IV. PERFORMANCE STANDARDS

### Need purpose?

#### Sec. 114-41. Traffic, Parking and Access

- (a) VISION CLEARANCE AT INTERSECTIONS. To provide clear vision for motorists at intersections, there shall be a vision clearance area required on properties adjacent to certain intersections of streets with other streets and public alleys in accordance with the following requirements:
1. In the vision clearance area, no buildings, fences, structures or landscaping shall be permitted that will block vision between the heights of 2 ½ feet and 10 feet above the plane through the mean curb-grades within the triangular space as defined in Paragraph 3 below.
  2. Allowable installations in the vision clearance area include public utility poles and supports, other utility structures, official traffic signs and signals, mailboxes, sign poles or columns that do not exceed a diameter of 18 inches, and trees that have branches no lower than 10 feet above grade, and where the trunk doesn't exceed 18 inches in diameter.
  3. The size of the required vision clearance area shall be determined by the characteristics of the street intersection based on the following standards:
  4. Except as provided below, properties adjacent to intersections shall have a vision clearance area defined as a triangle whose two legs are measured along the right-of-way lines of the adjoining or intersecting streets or alleys. The length of these legs shall be measured in the direction away from the intersection as follows: (see Plate 1)
    - a) Fifteen (15) feet from the intersection of the rights-of-way along the right-of-way of a street or alley on which traffic must stop or yield.
    - b) The distance along the right-of-way of a street or alley on which traffic does not stop or yield shall depend on the posted speed limit for that street as follows: twenty five (25) feet for streets with a 25 mph or less speed limit, or where there is no posted speed limit; thirty five (35) feet for streets with a thirty (30) or thirty five (35) mph speed limit; fifty (50) feet for streets with a forty (40) mph or higher speed limit.
    - c) The third leg of such triangle shall be the connection of the two previously described lines.
  5. Properties adjacent to intersections that have four-way stop signs or traffic signals are exempt from the vision clearance requirement.
  6. Properties located within the area regulated by the Downtown Design Standards, as provided in Section 22-063 of this code, may have different vision clearance requirements, as approved by the Design Review Committee.



- (b) **LOADING REQUIREMENTS.** In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (c) **GENERAL PARKING REQUIREMENTS.** In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

1. Adequate access to an improved public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of sixteen (16) feet wide for all other uses.
2. Except for one- and two-family dwellings, all parking spaces shall be designed so that each space can be safely accessed without moving any other vehicle.
3. Dimensions.
  - a) **Parking spaces:** The size of each parking space shall be nine (9) feet wide by eighteen (18) feet deep, except parallel parking spaces which shall be nine (9) feet by twenty two (22) feet.
  - b) **Aisles:** Traffic aisles which provide direct access to parking spaces shall be dimensioned as follows:

| Angle of Spaces | Aisle Width                         |
|-----------------|-------------------------------------|
| 90°             | 24 feet                             |
| 60°             | 18 feet                             |
| 45°             | 13 feet                             |
| 30°             | 12 feet                             |
| Parallel        | 15 feet (1-way);<br>24 feet (2-way) |
|                 |                                     |

All two-way traffic aisles shall be a minimum of twenty-four (24) feet wide. One-way traffic aisles, when not providing direct access to parking spaces, shall be a minimum of fifteen (15) feet wide. See Plate 2 for illustrations.

INSERT PLATE 2

FOR ILLUSTRATIVE PURPOSES ONLY. See text for requirements.

- c) **Handicapped-Accessible spaces.** When required, handicapped-accessible parking spaces and accesses shall be dimensioned in accordance with the Wisconsin Administrative Code, as amended.
4. **Surfacing.**
  - a) All off-street parking areas and driveways shall have an improved surface consisting of a hard surface of bituminous paving over a base course, Portland cement concrete, seal coating, or a brick, paver or block design laid over a base with adequate load bearing capacity.

- b) A reasonable time shall be allowed for compaction of new parking lots constructed on fill, but not to exceed six (6) months.
  - c) All off-street parking areas shall be graded and surfaced with a hard surface, properly drained. Such properties with parking area(s) for five (5) or more vehicles shall have aisles and spaces clearly marked. Hard surfaced parking areas shall be maintained to remain dust free and generally smooth, and parking space and aisle markings shall be maintained to be clearly discernible.
5. Landscaping. A headlight screen, with an initial height adequate to screen automobile headlights, shall be required for properties and uses in non- residential districts, under the following circumstances:
- a) Whenever a parking space which is angled 45 degrees or greater is located within 20 feet of a right-of-way line and is across the right-of- way from any residential use, a headlight screen of dense shrubbery or similar landscape screening shall be planted between said parking spaces and the right-of-way line.
  - b) Whenever a parking space which is angled 45 degrees or greater is located within 10 feet of a lot line which is adjacent to a one- or two- family principal structure, provided that said principal structure is within 50 feet of the parking space and that the structure is in direct line of the headlights of a vehicle parked within the space, a headlight screen consisting of a fence, a hedge, or similar screening shall be located between the parking spaces and the property line.
6. Whenever a parking area is adjacent to or near a property line, curbs, landscaping, or other barriers shall be installed so as to prevent parked vehicles from extending over any lot line.
7. Joint Use. The Zoning Administrator may approve joint use of parking facilities for two or more uses or activities only under the following conditions:
- a) The uses utilizing the parking facility must operate at different times of the day, so that there is no conflict in the use of the parking area.
  - b) The main entrance of any use which utilizes the parking facility may be no more than 300 feet from the nearest driveway of the parking facility.
  - c) All parties to the joint use, including the owner(s) of the parking facility, must sign an agreement which allows for the joint use and outlines the hours of operation of the various uses of the facility, subject to review and approval by the Zoning Administrator.
  - d) The Zoning Administrator and the City Engineer must find that the joint use will not result in any increased congestion in the public streets and will not otherwise violate the intent of this Section.
8. Zoning of Parking Areas. Except for parking areas allowed as a Specified Use in the CB District, as a Conditional Use in other designated districts, and approved joint use parking areas, all parking areas shall be in the same or less restrictive zoning district as the use that the parking area serves.

(d) DRIVEWAYS

1. Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the roadway unless prior approval is granted by the Department of Public Works.

(e) LOCATION OF PARKING AREAS; USE OF YARDS

1. Except for approved joint use parking areas, the location of required parking spaces shall be on the same lot or contiguous parcel of land as the specified use.
2. No parking stall or driveway, except in residential districts, shall be closer than twenty-five (25) feet to a residential district lot line unless it has been approved by the Zoning Administrator or Plan Commission. Natural topographic barriers, privacy fencing, shrubbery or similar devices may be utilized to waive or vary these requirements.
3. Except for one- and two-family dwellings, parking areas may be located on any required yard, subject to buffer and setback requirements as enumerated elsewhere in this Section. All vehicles must be parked on an improved surface as described above. Except as provided below, no vehicles of any kind may be parked on lawns or landscaped areas.
4. For one- and two-family dwellings, yard setback areas as required by this Ordinance may be used for parking, subject to the following requirements:
  - a) No more than twenty five percent (25%) of the area of the street yard may be used for parking; however, a driveway of up to twenty (20) feet wide is permitted regardless of street yard area. The Zoning Administrator may waive or vary this requirement for unique situations, such as extra wide lots, location of existing landscaping features, location of existing curb cuts, or spacing of drives as required by the City Engineer.
  - b) Vehicles may only be parked on an improved parking surface as described above. Parking on lawn areas is prohibited; however, short term parking for the purpose of moving into a home, etc., is permitted for a period not to exceed 48 hours. Notwithstanding the above, recreational vehicles, boats, campers/trailers and similar vehicles which are parked for long-term seasonal storage may be parked on lawn areas, provided that such storage is in the rear yard or side yards only.

(f) HANDICAPPED-ACCESSIBLE PARKING SPACES. In addition to the required number of parking spaces enumerated below, handicapped accessible parking spaces must be provided in accordance with the Wisconsin Administrative Code, as amended.

1. For parking lots of 20 spaces or less, the number of required handicapped-accessible parking spaces are in addition to the number of spaces required below and may not be counted in the total number of spaces required for a use.
2. For parking lots of over 20 spaces, the required handicapped-accessible spaces may be counted in the total number of spaces required for a use.

(g) NUMBER OF PARKING SPACES REQUIRED

1. Whenever "floor area" is used for the purpose of determining the number of parking spaces required for a use, only those areas within a use which generate parking demand need be counted as "floor area". Stairwells, mechanical rooms, unfinished attic and basement areas, closets, etc., are generally not counted as floor area for this purpose.

2. Whenever determination of required parking spaces is dependent on occupancy, such as the number of employees, etc., the number used shall be based on the period of maximum occupancy.
3. When calculating the required number of spaces, any fractional result of 0.25 or more shall be rounded up to the next whole number.
4. Each use, except as described otherwise in Section 8, shall provide parking spaces in accordance with the following schedule:
  - a) Automobile repair garages, service garages, and gas stations – One (1) space for each 300 square feet of floor area.
  - b) Bowling alleys – Four (4) spaces for each alley.
  - c) Churches, auditoriums and theaters used for live performances, community centers, and other places of public assembly – One (1) space for each five (5) seats.
  - d) Cinemas and movie theaters – One (1) space for each six (6) seats.
  - e) Colleges, secondary and elementary schools – One (1) space for each two (2) employees plus one (1) space for each four (4) students of 16 years of age or more.
  - f) Financial institutions; business, government, and professional offices – One (1) space for each 400 square feet of floor area.
  - g) Funeral homes – Twenty (20) spaces for each viewing room.
  - h) Hospitals, sanitariums, institutions, rest and nursing homes – One (1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.
  - i) Hotels, motels – 1.25 stalls for each guest room.
  - j) Manufacturing and processing plants (including meat and food processing plants), laboratories and warehouses – One (1) space for each 2,000 square feet of principal building area or one (1) space for each two (2) employees on maximum shift, whichever is greater.
  - k) Medical and dental clinics – One (1) space for each 300 square feet of floor area.
  - l) Motor vehicle sales (new and used) – One (1) space for each 800 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed.
  - m) Two-family and Multi-family dwellings:
    1. Efficiency units – One (1) space per unit.
    2. One-bedroom units – One (1) space per unit.
    3. Two or more bedroom units – 0.75 spaces per bedroom, per unit.
  - n) Repair shops – One (1) space for each 300 square feet of floor area.
  - o) Retail and service stores – One (1) space for each 300 square feet of floor area.
  - p) Restaurants, bars, places of entertainment – One (1) space for each 200 square feet of floor area plus one (1) space for each two (2) employees.
  - q) Retirement homes, elderly housing, congregate housing, orphanages, convents, and monasteries – One (1) space per 1,000 feet of principal floor area.
  - r) Rooming and boarding houses, fraternity and sorority houses, and rectories – One (1) space for each of seventy five percent (75%) of the number of beds contained therein.
  - s) Single-family homes – Two (2) spaces.

- t) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- u) Combinations of any of the above uses shall provide the total of the number of stalls required for each use.

(h) Downtown Parking

1. The following requirements shall apply to parking in the CB Central Business District.
  - a) Except as provided below, parking stalls are not required to be provided for uses in existing buildings in the CB Central Business District, but when they are provided, they shall conform to the requirements of size, access, surfacing and barriers, but not number of stalls as specified above.
  - b) Uses in new buildings, additions to existing buildings, and reconstruction of buildings that increases the square footage of the building area on the property shall provide parking spaces only for the increased floor area at seventy five percent (75%) of the amount as enumerated in Section 114.59 (7).
  - c) Whenever the interior remodeling or renovation of existing buildings adds additional dwelling units, parking spaces shall be provided for these new units at seventy five percent (75%) of the amount as enumerated in Section 114.59 (7).
2. The following requirements shall apply to parking in the GB General Business District.
  - a) Uses on all properties within the CBT District shall provide seventy five percent (75%) of the required number of spaces as enumerated in Section 114.59 (7).
3. The parking spaces as required in sections (a) and (b) above may be provided off-site, if the following requirements are met:
  - a) Parking spaces shall be located not more than one thousand three hundred twenty feet (1,320') from the property line of the use being served.
  - b) The availability of the off-site parking spaces shall be evidenced by a written agreement between the owner of the land on which the parking is located, and the owner of the use that requires the parking. This written agreement shall be in the form of a lease, contract, easement or similar instrument, and shall be for a minimum duration of one year. The written agreement shall be recorded with the Grant County Register of Deeds and a copy provided to the City.
  - c) If the owner of a building or use no longer has the right to maintain or use off-site parking spaces on a separate parcel, the owner of a building or use shall accommodate all required off-street parking spaces on the site of the building or use, obtain a variance, or obtain a new off-site parking agreement in accordance with this chapter. If the owner is unable to accommodate the off-street parking spaces, is unable to obtain a variance, or is unable to arrange a new off-site parking agreement, then the owner of a building or use shall pay a per parking space fee to the City as provided in Section (d) below.

4. In lieu of providing the parking spaces as required in sections (a) and (b) above, a per parking space fee may be paid to the City, in an amount as established from time to time by the Common Council. The fee shall be paid at the time the building permit is issued for the project that results in the need for parking, or at the time an off-site parking agreement expires. Said fee shall be used by the City to provide parking improvements in the downtown area.
- (i) BICYCLE PARKING REQUIREMENTS. In all districts and in connection with every use, except single-family residential, there shall be provided, at the time any building is erected, enlarged, extended or increased, off-street parking spaces for bicycles in accordance with the following:
  1. Design Criteria and Dimensions
    - a) Bicycle parking requirements can be fulfilled by lockers, racks, or equivalent structures in or upon which the bicycle may be locked by the user.
    - b) Bicycle racks shall accommodate locking of the bicycle frame and at least one wheel with u-locks.
    - c) Bicycle racks shall support a bicycle upright by its frame at two points of contact to prevent bicycles from pivoting or falling over. Common examples of bicycle racks meeting this criterion include the Inverted "U", "A", and Post and Loop Racks.
    - d) Bicycle parking shall be provided on an improved hard surface and securely anchored to a supporting surface. Installation of bicycle racks shall also conform to the requirements set forth by the bicycle rack manufacturer.
    - e) Bicycle racks shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate their locking mechanism.
    - f) Required bicycle spaces shall be at least three (3) feet by six (6) feet, with a vertical clearance of at least six (6) feet.
  2. Location
    - a) Bicycle parking shall be located on the same lot as the building or use served, except for shared parking as provided in this section.
    - b) Bicycle racks shall be located such that they are visible from the street and/or main building entrance with lighting that is a minimum of one foot candle per square foot at ground surface.
    - c) Bicycle racks intended for the sole use of employees or tenants of a property can be located inside of a parking garage, building or near an employee or tenant entrance.
    - d) Bicycle parking shall be located in designated areas, which minimize pedestrian and vehicular conflicts.
    - e) Bicycle parking located within an automobile parking area shall be clearly designated and located as close to a building entrance as possible.
  3. Shared Bicycle Parking Facilities
    - a) Bicycle parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing the number of spaces required in relation to the use served.



- b) Such facilities shall be located on one of the lots on which a use served is located; provided, that such facilities are also located not more than three-hundred (300) feet walking distance from all of the buildings, structures, or uses of land which such bicycle rack facilities are intended to serve.
- 4. Number of Spaces
  - a) No bicycle spaces are required for single-family uses.
  - b) For multi-family uses, the number of bicycle parking spaces provided shall be twenty five percent (25%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 114.59 (7).
  - c) For all uses other than single-family and multi-family, the number of bicycle parking spaces provided shall be ten percent (10%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 114.59 (7).
  - d) After the first twenty five (25) bicycle parking spaces are provided, additional bicycle parking spaces required are one half (0.5) the normal amount.
- 5. HIGHWAY ACCESS
  - a) No direct private access shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
  - b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
    - 1. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
    - 2. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
    - 3. Streets intersecting or interchanging with a controlled access highway within 1,500 feet of the most remote end of the taper of the turning lanes of the intersection or interchange.
    - 4. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
    - 5. Temporary access to the above rights-of-ways may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.
- 6. FRONTAGE STREETS
  - a) Frontage Streets, where required, shall provide access to abutting properties and protection for vehicles from fast or heavy traffic on highways or arterial streets. The right-of-way for frontage streets shall be adjacent, parallel and directly abutting the right-of-way of the principal highway or street.

**Sec. 114-42. Performance Standards**

(a) Any use in the Industrial Districts shall comply with the following regulations:

1. Noise. At no point on the district boundary nor beyond property lines of individual lots within the district shall the sound level of any individual operation or level exceed the limits shown in the following table:

| Cycles per Second | 7:00am-10:00pm | 10:00pm-7:00 am |
|-------------------|----------------|-----------------|
| 0-75              | 70             | 67              |
| 75-150            | 67             | 62              |
| 150-300           | 59             | 54              |
| 300-600           | 52             | 47              |
| 600-1,200         | 46             | 41              |
| 1,200-2,400       | 40             | 35              |
| 2,400-4,800       | 34             | 29              |
| Over 4,800        | 32             | 27              |

Frequencies and sound levels shall be measured with an Octave Ban Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United States of America Standards Institute.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, heat frequency, impulse character, periodic character or shrillness.

- (b) Contaminants. The limits on emission for particular contaminants shall be determined and enforced as provided for under section NR 154.02, Wisconsin Administrative Code.
- (c) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this Chapter. No wastes shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. All liquid waste disposal shall be in conformance with section COM81-85 and COM10, State of Wisconsin Department of Natural Resources Administrative Code NR 125.01 or as amended.
- (d) Electrical Emission. There shall be no electrical emission beyond the property line which would adversely affect any other use or adjacent property owners.

- (e) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line if it would constitute a nuisance, hazard or be recognized by a reasonable person as offensive. Provided, however, that nothing in this section shall prohibit night illumination of a property within the district.
- (f) Vibrations. There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth in the table below beyond the boundary of this district, under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Ground Transmitted Vibrations:  
Maximum Permitted Displacement

|                   |                        |
|-------------------|------------------------|
| Frequency         | Along Subdivision      |
| Cycles per second | Boundaries (In Inches) |

|             |       |
|-------------|-------|
| 0-10        | .0008 |
| 10 to 20    | .0005 |
| 20 to 30    | .0002 |
| 30 to 40    | .0002 |
| 40 and over | .0001 |

**Sec. 114-43. Accessory Dwelling Units**

- (a) It is the policy of Mauston to permit accessory dwelling units in a manner that enhances residential neighborhoods and helps residents meet their housing needs. The following standards apply:
1. Accessory dwelling units are a permitted use in the SR zoning district.
  2. The property owner must occupy either the primary dwelling or accessory dwelling unit as their principal residence.
  3. A maximum of one accessory dwelling unit is permitted per residential lot.
  4. An accessory dwelling unit may be incorporated within an existing dwelling, an existing accessory building, or a new accessory building.
  5. When proposed as a new structure separate from the existing dwelling unit, an accessory dwelling unit must comply with the following standards:
    - a) The facade of the accessory dwelling must be at least 20 feet further from the street than the facade of the principal dwelling.
    - b) The width of the accessory dwelling unit parallel to the street may not exceed 60% of the width of the single-family dwelling.
    - c) The height to the eave of the accessory dwelling may not exceed 80% of the height to the eave of the principal dwelling.
    - d) These requirements do not apply to preexisting buildings converted to accessory dwelling units.
  6. Accessory dwelling units may not exceed 30 percent of the total area of the principal dwelling, up to a maximum size of 600 feet, whichever is smaller in size.
  7. The accessory dwelling unit shall not be sold separately from the principal dwelling or the remainder of the property.

8. No additional parking is required for accessory dwelling units.
9. The accessory dwelling shall be connected to the central water and sewer system of the principal dwelling. There shall not be a separate metering system for the accessory dwelling.
10. The property owner shall sign an affidavit before a notary public affirming that the owner occupies the principal dwelling.
11. Any accessory dwelling unit must meet the same development standards and any municipal, state, or federal building code and permitting required for the principal dwelling unit structure. A building permit for the ADU must be obtained within one (1) year of approval.

#### **Sec. 114-44. Swimming Pools**

- (a) *Exempt pools.* Storable children's swimming or wading pools, with a maximum diameter of 15 feet and a maximum wall height of 18 inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section.
- (b) *Permit required.* Pools are a type of land use covered by this chapter which are allowed as permitted uses or conditional uses under the different standard zoning districts, pursuant to the procedures of this chapter.
- (c) *Construction requirements* A permit for a swimming pool shall not be issued unless the following construction requirements are observed:
  1. *Approved materials.* All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the city now in effect or hereafter enacted.
  2. *Plumbing.* All plumbing work shall be in accordance with all applicable ordinances of the city and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
  3. *Electrical installations.* All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and city ordinances regulating electrical installations.
- (d) *Setbacks and other requirements.*
  1. Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  2. All swimming pools shall be at least ten feet from any lot line or building unless designed and approved as an addition to a building.

(e) *Enclosures.*

1. *Fence; in-ground pools.* All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein, other than doors or gates, larger than three inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

2. *Above-ground pools; pool wall barrier.*

a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top.

(f) *Compliance.* All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the zoning administrator or designee for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

(g) *Draining and approval thereof.* No private swimming pool shall be constructed so as to allow water to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the DPW.

(h) *Filter system required.* All private swimming pools within the meaning of this chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.



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**Sec. 114-45. Mobile Homes**

(a) STATUTES APPLY. The provisions of Section 66.058 of the Wisconsin Statutes and HSS 177 of the Wisconsin Administrative Code, and the definitions therein are hereby adopted by reference. To insure uniformity between City of Mauston ordinances and State of Wisconsin regulations, any future amendments, revisions or modifications of the statutes and Wisconsin Administrative Codes incorporated herein are hereby made a part of this chapter.

(b) LOCATION OUTSIDE MOBILE HOME PARK

1. It is hereby declared to be the policy of the City of Mauston, that no mobile home shall hereinafter be placed outside of a mobile home park within the City of Mauston.
  - a. Temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley or highway. In case of emergency or breakdown such parking or stopping shall be permitted for not more than 4 hours.
2. Existing mobile homes outside of a mobile home park shall be classified as existing nonconforming uses and subject to the provisions of Chapter 114 and other applicable chapters of the Municipal Code of the City of Mauston.

(c) PERMITS, LICENSE AND FEES

1. Parking Permit Fee – There is hereby imposed on each mobile home located in the City of Mauston, a monthly parking fee as determined in accordance with Section 66.058, Wisconsin Statutes. Said fees shall be paid to the City Treasurer on or before the 15th day of the month for which such fees are due.
  2. Mobile Home Park License – It shall be unlawful for any person to operate upon property owned or controlled by him within the City of Mauston a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by a fee for each space in the existing or proposed park. The fee shall be in the amount as established from time to time by resolution of the Common Council. The annual license shall expire yearly on June 30<sup>th</sup>.
    - a. It shall be the full responsibility of the mobile home park licensee to collect the parking permit fee as described in 114-163 (c)(1), from each mobile home owner. Said fees shall be paid to the City Treasurer on or before the 15th day of the month for which such fees are due.
  3. Revocation of Licenses and Permits – The Common Council is hereby authorized to revoke any license or permit issued pursuant to this chapter for violation of any provision of this chapter or any other health or police regulation of the City or the state.
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4. All license or permit fees not paid shall be extended upon the tax roll as a delinquent tax against the parcel where such park, camp or home is or was situated at the time when such liability was incurred. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such delinquent license or permit fee.

(d) **MANAGEMENT OF MOBILE HOME PARKS.** In addition to the duties of the mobile home park operator or manager as described in HSS 177 of the Wisconsin Administrative Code the following shall apply:

1. Each mobile home shall be numbered and said numbering shall correspond with Lot # of park plan. All numbering shall be easily visible from the street.
2. Furnish information to the City Clerk and City Assessor on mobile homes added to the park within 5 days of their arrival, on forms furnished by the Assessor.

(e) **APPLICABILITY OF PLUMBING, HVAC, ELECTRICAL AND BUILDING REGULATIONS.**

1. All plumbing, HVAC, electrical, building and other work on or at any licensed mobile home park, or at or within any mobile home within or outside of a mobile home park, shall be in accordance with this code and the requirements of the Building Codes as designated in Chapter 102 of the Municipal Code and the regulations of the State Board of Health.

(f) **MOBILE HOME PARKS**

1. **GENERAL PROVISIONS**

- a) A mobile home park may be established as a Conditional Use within the MF District. A mobile home park shall contain a minimum of ten mobile home spaces and no mobile home shall hereinafter be placed outside of a mobile home park within the City of Mauston.

When submitting an application for a Conditional Use Permit, the applicant shall concurrently submit preliminary park plans which clearly show or provide the following items of information:

- i. Unit density.
- ii. Lot layout and areas.
- iii. Setback lines.
- iv. Location of recreation areas.
- v. Location and extent of related non-residential uses (laundromat, shelter, etc.).

- vi. Location of park sign.
  - vii. Traffic, parking and access plans.
  - viii. Sidewalk layout.
  - ix. Utility improvements, including lighting.
- b. Construction, alteration, or extension of a mobile home park shall be subject to the issuance of a permit as set forth in Chapter 102 of the Municipal Code.
  - c. Operation of a mobile home park shall be subject to the issuance of a license as set forth in this chapter and compliance with the provisions set forth in Wisconsin Statutes and Wisconsin Administrative Codes.
  - d. Any newly-placed mobile home in an existing mobile home park, any mobile home placed in a new mobile home park, or any improvement to an existing mobile home exceeding 50% of the assessed value shall conform to applicable sections of Chapter 104, Flood Plain Zoning.
  - e. All mobile home parks established in the City shall comply with the requirements set forth hereunder.

## 2. ENVIRONMENTAL REQUIREMENTS

- a. Density: The maximum allowable density in a mobile home park development shall be eight units or lots per acre.
- b. Minimum lot size: Individual lots within a mobile home park must contain an area of not less than four thousand square feet.
- c. Required separation between mobile homes: Mobile homes shall be separated from each other and from other buildings or structures by at least 20 feet. Structural attachments to mobile homes, such as porches, storage sheds, and the like, are considered part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original mobile home park plan and shall not be closer than 5' to the principal structure of any lot line.
- d. Setbacks: Each mobile home shall be located a minimum of ten feet from any mobile home lot line. There shall be a minimum distance of twenty feet between the mobile home stand and abutting park street right of way. All mobile homes shall be located at least fifteen feet from any park boundary except where the adjoining property is also a mobile home park.

- e. Recreation areas: In all mobile home parks there shall be one or more recreation areas which are accessible to park residents. The size of such recreation areas shall be based on a minimum of two hundred square feet for each lot. No such outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.
- f. Allowable uses: Only single family mobile homes and any approved accessory structures included in the original plans and specifications and revisions thereof are allowed in mobile home parks. Mobile homes without plumbing are prohibited.

Parks, playgrounds, open space and the following commercial uses are allowed when they are for the exclusive use of park residents: Mobile home park office; Laundromat; Clubhouse and facilities for private, social or recreation clubs.

- g. Signs: Signs which pertain to the lease, sale, or hire of individual mobile homes, not more than four square feet in area, shall be allowed, as well as one non-illuminated mobile home park identification sign not more than fifty square feet in area and located in proximity to the mobile home park entrance.

3. ACCESS REQUIREMENTS

- a. Street access in all mobile home parks: Safe and convenient access shall be provided by means of streets or roads, except that in those mobile home parks in which grouping or clustering of parking spaces or other such design features are employed in the layout, direct access need not be provided to every lot. However, in all cases direct access adequate for fire protection and other emergency vehicles shall be provided.
- b. Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- c. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements.

|                            |         |
|----------------------------|---------|
| Roadway width, all streets | 25 feet |
| Right-of-way width         | 40 feet |

Dead end streets, including cul-de-sacs, shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 85 feet.

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4. STREET CONSTRUCTION AND DESIGN STANDARDS. All street construction and design in mobile home parks shall be approved by the Director of Public Works.
  5. PARKING REQUIREMENTS
    - a. Occupant Parking: A minimum of two parking spaces shall be provided for each mobile home lot. Such spaces shall be located within 150 feet of the mobile home lot to be served.
    - b. Parking Space: Each parking space shall contain a minimum of 180 square feet. The space shall be paved with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions.
    - c. Use of Right-of-Way for Parking: In no instance shall the required street pavement width be used for parking purposes. The remaining right-of-way on either side of the street pavement may be used for parking purposes.
    - d. Parking Restrictions: Parking of boats, trailers, campers, snowmobiles or other motorized vehicles shall be restricted to an area or areas provided by the park management specifically for said purpose and in the event no such area as provided by park management, such boats, trailers and campermobiles shall not be parked in a mobile home park.
  6. WALKWAYS. All parks shall be provided with safe, convenient, all-season pedestrian access, the design and construction of which shall be subject to the approval of the Director of Public Works.
    - a. Common Walk System: A common walk system shall be provided and maintained where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two and one-half feet.
    - b. Individual Walks: All mobile home stands shall be connected to common walks or to a paved street or roadway by individual walks. Such individual walks shall have a minimum width of two feet.
  7. MOBILE HOME STANDS. The dimensions of every mobile home stand shall not be less than 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
    - a. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelets embedded in concrete foundations or runway sewer augers, arrowhead anchors, or other devices securing the stability of the mobile home.
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- b. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile load of 2,800 pounds. Where located in a flood hazard area, newly- placed mobile homes shall be anchored as follows:

Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes less than fifty feet long shall require only one additional tie per side.

Frame ties shall be provided at each corner of the mobile home with 5 additional ties per side at intermediate points. Mobile homes less than fifty feet long shall require only four additional ties per side.

All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

Any additions to the mobile home shall be similarly anchored. The placement of all new mobile homes in addition to the standards listed above, must also meet the residential development standards in the floodfringe as found in applicable sections of Chapter 104, Flood Plain Zoning.

- c. Mobile home park developments shall comply with Chapter 104, Flood Plain Zoning, of this code where applicable.

8. STREET AND PUBLIC WALKWAY ILLUMINATION REQUIREMENTS. All parks shall be lighted as determined by the Plan Commission.

- a. EXISTING MOBILE HOME PARKS. The lawful nonconforming use or layout of a mobile home park existing at the time of the adoption or amendment of this ordinance may be continued even though the use or layout does not conform with the provisions of this ordinance. However, only that portion of the land in actual use may be so continued and the park may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

Owners and operators of all existing mobile home parks and subdivisions located in the regional floodplain shall file an evacuation plan with the building inspector indicating alternate vehicular access and escape routes, including mobile home hauler routes, with the appropriate local disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

## **Sec. 114-46. Modifications and Exceptions**



- (a) HEIGHT. The district height limitations set forth in this ordinance may be exceeded, but such modifications shall be in accordance with the following:
1. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flag poles, elevator penthouses, roof-top mechanical equipment, flues and chimneys shall be exempt from the height limitations, provided however, that such projections shall not have a total area greater than twenty five percent (25%) of the roof area of the building, and shall not be used as habitable space.
  2. Special structures, such as gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, flag poles, silos and smoke stacks are exempt from the height limitations of this ordinance, provided that such structures shall not occupy more than twenty five percent (25%) of the total area of the lot, and provided that the structures meet the minimum setbacks for principal structures for the district in which they are located.
  3. Essential services, utilities, water towers, electric power and communications transmission lines are exempt from the height limitations of this ordinance.
  4. Communication structures, such as radio and television transmission and relay towers and aerials shall not exceed in height three (3) times their distance from the nearest lot line.
  5. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of fifty (50) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district in which it is located, the required yards shall be increased by a foot more than the standard yards of the district in which it is located.
- (b) YARDS. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
1. Uncovered decks, porches, stairs, landings, fire escapes and like structures may project into any required yard, not to exceed ten (10) feet of projection and not closer than fifteen (15) feet to any street or rear lot line, and not closer than five (5) feet to any side lot line.
  2. Uncovered handicap access ramps shall be exempt from the yard requirements.
  3. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
  4. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
  5. Landscaping, vegetation, mail boxes, light fixtures and flag poles are exempt from the yard requirements of this ordinance, except as restricted in 114-159 (a).
  6. The required street yard may be decreased in any Residential or Business district to the average of the existing street yards of abutting structures on each side, but in no case less than fifteen (15) feet in any residential district.

**Sec. 114-47. Signs**

(a) PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except so as to comply with the provisions of this section. It shall be unlawful for any person to locate, erect, construct, enlarge or structurally modify a sign or cause the same to be done within the City of Mauston without first obtaining a sign permit for each sign from the Building Inspector, unless specifically exempted by this Section.

(b) GENERAL REGULATIONS

1. Conflicts. In the case of conflicting sign requirements and limitations, the more stringent shall apply.
2. Advertising. Other than billboards, political signs and temporary signs as permitted by this Section, signs shall advertise only those locations, products, goods, or services available upon the same premises as the sign.
3. Installation. All signs shall be properly secured, supported and braced. Signs shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
4. Maintenance. All signs, including supports and attachments, shall be kept in reasonable structural condition and shall be kept clean and well painted at all times.
5. Blanketing. Blanketing of signs shall not be allowed.
6. Illumination. When permitted, both indirect and directly illuminated signs shall concentrate light only upon the area of the sign. Light sources shall be shielded as necessary to prevent glare upon the street or adjacent properties.

(c) DEFINITIONS AND REQUIREMENTS. The following definitions and sign requirements shall apply to all signs. Refer to Section 114-165 (g) for regulations specific to each zoning district, and to Section 114-165 (h) for regulations specific to temporary signs.

1. Area of Sign. The entire area within a single perimeter enclosing the extreme limits of a sign, not including any structural elements. The area of a multiple- faced or irregular-shaped sign shall be computed on the basis of the smallest area of the sign that can be enclosed by two contiguous rectangles. Only one side of a double-faced sign shall be used in computing the area of a sign, provided that the information on both sides is the same.
2. Awning. A hood or cover that projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.
3. Banner Sign. Any temporary sign of lightweight fabric, vinyl or similar material that is intended to promote a business, product or event. National, state or municipal flags shall not be considered a banner sign.
4. Billboard. A sign that advertises goods, products or facilities, or services not on the premises where the sign is located or is intended to direct persons to a different location from where the sign is located. Also known as an off-premises advertising sign.
5. Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
6. Building Frontage. The horizontal width of a building where it is oriented towards the right-of-way. On a corner lot, each face of the building facing a right-of-way is considered a separate building frontage.
7. Building Sign. A sign attached to, painted on or made a part of a wall or a projection of a wall on a building, or erected upon or over the roof or parapet of

any building. For the purposes of this Ordinance, there are four types of building signs.

- a. Awning/Canopy/Marquee Sign. Any sign attached to or made part of an awning, canopy or marquee, including any sign hanging from underneath the awning, canopy or marquee. Hanging signs may not be lower than 8 feet above a walkway or public sidewalk.
  - b. Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.
  - c. Projecting Sign. Any sign extending more than twelve (12) inches, but no more than five (5) feet from the face of a wall or building. Projecting signs may not be lower than eight (8) feet above a walkway or public sidewalk.
  - d. Roof Sign. Any sign erected upon or over the roof or parapet of any building. The highest point of the sign may not be more than fifteen (15) feet above the roof surface or the coping of the building. The combined height of the building and the sign shall not exceed the height requirement for the zoning district in which it is located.
8. Canopy (or Marquee). A shelter attached to or connected with a building to provide cover over a door, entrance, window or outdoor service area.
  9. Construction/Development Sign. Any temporary sign giving the name or names of contractors, architects, lending institutions, funding sources, responsible for construction on the site where the sign is placed, together with other pertinent information included thereon
  10. Directly Illuminated Sign. Any sign designed to give artificial light directly through a transparent or translucent material from a source of light originating within or upon such sign.
  11. Directional Sign. Any sign which provides instruction or direction and is located entirely on a property to which it pertains, or adjacent to a driveway serving the property, and does not exceed eight (8) square feet in area. This includes, but is not limited to, such signs as those identifying entrances and exits, drive-through windows, restrooms, telephones, and parking areas.
  12. Electronic Message Unit Sign. Any sign on which the message may be changed by an electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic and charitable events or the advertising of products or services available on the premises. This also includes traveling or segmented message displays.
  13. Flashing Elements. Portions of any directly or indirectly illuminated sign (except for Electronic Message Unit signs) which contain artificial light which is not maintained stationary and constant in intensity and/or color at all times when in use. Where signs with flashing elements are permitted, the intensity of any single bulb or other light-emitting source cannot exceed twenty-five (25) watts. Bare reflecting-type bulbs of any kind are not allowed as flashing elements unless they are properly shaded so as not to interfere with surrounding properties. No more than twenty-five (25) percent of the area of any sign may contain flashing elements.
  14. Freestanding Sign. Any permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building.
  15. Height of Sign. The distance measured from the established grade at the ground level of the sign to the top-most element of the sign structure.

16. Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign, which is directed at the sign and is installed for the purpose of sign illumination.
17. Institutional Sign. A sign for a public, educational, charitable or religious institution, which may include areas for movable copy.
18. Movable Board Sign. A two-sided sign designed to be temporarily placed on the sidewalk outside of a business that advertises goods or services available therein. A movable board sign located on a public sidewalk shall only be displayed during the hours the business is open, may not be fixed in a permanent position, shall not be located in front of another business, and may not be illuminated. The City accepts no liability for any movable board sign placed on a public right-of-way.
19. Multi-Family Complex Sign. A freestanding sign that displays the name of a multi-family apartment complex and related information (such as the phone number, vacancy status, etc.).
20. Neighborhood Identification Sign. A sign displaying the name of a particular neighborhood or subdivision located at the entrance to said area. A Neighborhood Identification sign may be illuminated and may be combined with a brick, masonry or stone wall and landscaping.
21. Nonconforming Sign. Any sign which does not conform to the regulations of this Section.
22. Occupant Frontage. In a multi-tenant building, the horizontal width of the business occupancy parallel to the front of the building or to its main entrance. In the case of an end unit with a wall face that faces a street right-of-way, each wall face may be considered a separate occupancy frontage.
23. Personal Greeting/Congratulatory Sign. A temporary sign with a non- advertising message providing a greeting or message to announce, congratulate or welcome.
24. Public Event Sign. A temporary sign displaying information of interest to the general community regarding scheduled public events, public activities, fundraising events, religious or educational events or activities, or events of a philanthropic entity. Such signs shall not include product advertisement or an activity for private profit.
25. Political Message Sign. A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election or urging that a matter be placed on a ballot of a primary, general or special election.
26. Portable Sign. A temporary sign mounted to a rigid structure which is not permanently affixed to the ground and which can be moved from one location to another, not including a moveable board sign.
27. Real Estate Sign. Any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.
28. Sign. A sign shall include anything using words, letters, numbers, symbols or graphics that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location, individual, event or product.
29. Sign Setback. The distance from any property line to the plane formed by the nearest edge or element of the sign structure, extended to the ground.
30. Street Frontage. The distance measured along the lot line adjacent to a public right-of-way. Each separate street adjacent to a lot is considered a separate

street frontage. When multiple signs are allowed, each sign shall use the frontage along which it is intended to be viewed as its street frontage for the purposes of determining sign area.

31. Temporary Sign. Any sign intended to be displayed for a limited period of time, including banners, movable board signs, portable signs, ground signs, flags, pennants, inflatable figures and balloons. The signs may be used for advertising a product, business or publicizing a special event. Seasonal or holiday lights, wreaths, trees, or other common holiday decorations are not considered temporary signs. Temporary signs shall be erected so as not be loosened as a result of wind or weather and shall be properly maintained.
  32. Warning Sign. Signs which are intended to warn of regulations, restrictions or safety hazards affecting the property, e.g. "No trespassing", "beware of dog", "no parking", etc.
  33. Window Sign. Any sign that is visible to the public located completely within a window or attached to or painted upon the surface of a window of a building.
- (d) PERMIT-EXEMPT SIGNS. The following signs are exempt from the requirement that a permit be obtained and, unless otherwise stated, are permitted in all zoning districts:
1. Commemorative plaques of recognized historic agencies, commemorative signs recognizing a historic event, site or person, or identification emblems of historical agencies, not exceeding eighteen (18) square feet.
  2. Directional signs, in the Business and Manufacturing districts.
  3. Emblems or insignia of any nation or political subdivision, or non-profit organization, provided such signs shall not be illuminated nor exceed two (2) square feet in area.
  4. Government or official signs for the control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, wayfinding signs, and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty. Such signs shall be subject to approval by the Department of Public Works and the Building Inspector.
  5. Home-based professional office signs, home occupation identification signs, Bed and Breakfast establishment signs, and professional office signs (in the MF District) when located on the same premises as an approved Conditional Use. Such signs may not be illuminated and are limited to four (4) square feet in area. See Section 114-118 for further regulations.
  6. House numbers and name plates not exceeding two (2) square feet in area for each residential, institutional, business or manufacturing building.
  7. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this or any other applicable code, statute, or ordinance.
  8. Memorial signs or tablets, names of buildings and date of erection, inscriptions or emblems, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than 4 square feet in area and affixed flat against the structure.
  9. Municipal signs. Signs erected by the City of Mauston upon municipal property, buildings, parks or public recreational facilities.
  10. Official notices posted by public officers or employees in the performance of their duties.

- 11. Religious symbols or identification emblems of religious orders.
- 12. Warning Signs.
- 13. Window signs. Signs attached or affixed to the surface of a window;
- 14. Temporary Signs. Some temporary signs are permit exempt, as described in Section (h).

(e) PROHIBITED SIGNS. The following signs are prohibited:

- 1. Signs containing any obscene, indecent, or immoral matter.
- 2. Signs which interfere with the safe conduct of travel on sidewalks, streets and highways. Advertising signs that are similar in appearance to traffic control signs and devices are prohibited.
- 3. Any other sign that creates an unreasonable hazard or threat to public safety is hereby prohibited.
- 4. Signs (other than billboards) which advertise a product or business which is no longer available or carried on upon the premises on which the sign is located. Such signs shall be removed within twelve (12) months of the cessation of such sales or business.

(f) APPLICATION FOR A SIGN PERMIT

- 1. Application for a sign permit shall be made in writing upon a form furnished by the Building Inspector. With such application there shall be submitted plans showing:
  - a. Location or position of the sign structure on the lot or building on which it shall be attached or erected, and
  - b. Drawings and specifications showing area, height, location and setback of the sign, method of construction, and attachment to the building or other structure, or anchoring in the ground.
  - c. Any other information deemed necessary by the Building Inspector to meet the requirements of this Section.
- 2. Permit fees shall be in the amount as established from time to time by the Common Council.

(g) ZONING DISTRICT REGULATIONS FOR PERMANENT SIGNS

- 1. Residential Districts:
  - a. Types Allowed. The following types of permanent signs are permitted in the SR, MH, and MF districts. Allowable temporary signs are described in Section (h).
    - i. Institutional Signs.
      - a. Maximum Area: Thirty (30) square feet.
      - b. Maximum Height: Ten (10) feet.
      - c. Minimum Setback: Five (5) feet.
    - ii. Multi-Family Complex Signs, in the MH District only.
      - a. Maximum Area: Thirty- Five (35) square feet.
      - b. Maximum Height: Ten (10) feet.
      - c. Minimum Setback: Five (5) feet.
    - iii. Neighborhood Identification Signs.
      - a. Maximum Area: Twenty (20) square feet.
      - b. Maximum Height: Ten (10) feet.

- c. Minimum Setback: Five (5) feet.
- iv. Fraternity/Sorority Signs, where such uses are permitted.

- a. Maximum Area: Twenty (20) square feet.
- b. Maximum Height: Ten (10) feet.
- c. Minimum Setback: Five (5) feet.

- v. Home Occupation Signs, where such uses are permitted, subject to the standards in 114-118 or as approved as part of CUP.

- a. Maximum Area: Four (4) square feet.

- b. Illumination: The above permitted signs may be illuminated, except for the Home Occupation Signs. Flashing elements are prohibited.

2. NB District:

- a. Types Allowed. The following types of permanent signs are permitted in the NB Neighborhood Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).

- i. Building Signs:

- a) Maximum Cumulative Area: One (1) square foot per each linear foot of building frontage or, in the case of a multi-tenant building, one square foot per each linear foot of occupant frontage.
- b) Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

- ii. Freestanding Signs.

- a) Maximum Area: One (1) square foot per each linear foot of street frontage, up to a maximum of seventy-five (75) square feet.
- b) Maximum Height: Twenty-five (25) feet.
- c) Maximum per Lot: One (1).

- iii. Institutional Signs.

- a) Maximum Area: Thirty (30) square feet.
- b) Maximum Height: Ten (10) feet for freestanding signs.
- c) Minimum Setback: Five (5) feet.

- b. Illumination. All permitted signs may be illuminated. Flashing elements are prohibited.

3. GB District.

- a. Types Allowed. The following types of permanent signs are permitted in the GB General Business District, subject to the requirements herein. Allowable temporary signs are described in Section (h).

- i. Building Signs:

- a. Maximum Cumulative Area: One and a half (1.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, one and a half square feet per each linear foot of occupant frontage.
- b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

- ii. Institutional signs.

- a. Maximum Area: Thirty (30) square feet
    - b. Maximum Height: Ten (10) feet.
    - c. Minimum Setback: Five (5) feet.
  - iii. Freestanding Signs.
    - a. Maximum Area: One and a half (1.5) square feet per each linear foot of street frontage, up to a maximum of 100 square feet.
    - b. Maximum per Lot: One (1).
    - c. Maximum Height: Twenty Five (25) feet.
    - d. Minimum Setback: Five (5) feet.
  - iv. Multi-Family Complex Signs, and only when allowed as a conditional use.
    - a. Maximum Area: Thirty-five (35) square feet.
    - b. Maximum Height: Ten (10) feet.
    - c. Minimum Setback: Five (5) feet.
  - b. Illumination. All signs in the GB districts may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
- 4. CB District.
  - a. Types Allowed. The following types of permanent signs are permitted in the CB Central Business District, subject to the requirements herein. Allowable temporary signs are described in Section (h).
    - i. Building Signs:
      - a) Maximum Cumulative Area: Two (2) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two square feet per each linear foot of occupant frontage.
      - b) Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
    - ii. Electronic Message Unit Signs:
      - a) The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
    - iii. Freestanding Signs:
      - a) Maximum Area: Two (2) square feet for each linear foot of street frontage, up to a maximum of 150 square feet.
      - b) Maximum per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one
        - i. additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
      - c) Maximum Height: Twenty-five (25) feet.
      - d) Minimum Setback: Five (5) feet.
    - b. Illumination. All signs in the CB district may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
  - 5. PB District.
    - a. Types Allowed. The following types of permanent signs are permitted in the PB Planned Business District, subject to the requirements herein. Allowable temporary signs are described in Section (h).
      - i. Billboard signs.



- a) Maximum Area: 400 square feet per side.
  - b) Maximum Height: 30 feet.
  - c) Minimum Setback: 15 feet.
  - d) Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 70 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
  - e) Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.
  - f) Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.
- ii. Building signs:
- a) Maximum Cumulative Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
  - b) Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
- iii. Electronic Message Unit signs.
- 1. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
- iv. Institutional signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.
- v. Freestanding signs.
- a) Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
  - b) Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
  - c) Maximum Height: Thirty (30) feet.
  - d) Minimum Setback: Five (5) feet.
- b. Illumination. All signs in the PB District may be illuminated. Flashing elements are permitted; however, flashing elements that may create a hazard as determined by the Zoning Administrator are prohibited.

6. Industrial Districts.

a. Types Allowed. The following types of permanent signs are permitted in the GI and HI districts, subject to the requirements herein. Allowable temporary signs are described in Section (h).

i. Billboard signs;

- a) Maximum Area: 400 square feet per side.
- b) Maximum Height: 30 feet.
- c) Minimum Setback: 15 feet.
- d) Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
- e) Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.
- f) Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.

ii. Building Signs:

- a) Maximum Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
- b) Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

iii. Electronic Message Unit Signs.

- a) The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.

iv. Institutional Signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.

v. Freestanding Signs.

- a) Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
- b) Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 250 feet or more, one (1) additional pole sign is permitted along that frontage;

however, the aggregate area of all signs may not exceed the maximum area noted above.

- c) Maximum Height: Thirty (30) feet.
- d) Minimum Setback: Five (5) feet.

- vi. Illumination. All signs in the manufacturing districts may be illuminated. Flashing elements are permitted.

(h) REGULATIONS FOR TEMPORARY SIGNS

1. Residential Districts – Permit Exempt. Temporary signs are allowed in the SR, MH, and MF districts without a permit, subject to the following requirements:
  - a) Except for signs approved by the Common Council, all signs shall be located entirely within the property boundaries.
  - b) Signs shall not obstruct the visibility from any intersection or driveway.
  - c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.
  - d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
  - e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
  - f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
  - g) Total sign area shall not exceed sixteen (16) sq. ft. without a permit, and no individual sign shall exceed nine (9) sq. ft. in area.
2. Residential Districts – Permit Required. Additional signs beyond that identified in Section (h)(1) above shall require a sign permit.
  - a) A permit is required for each twelve (12) sq. ft. of additional sign area.
  - b) The additional permitted signs shall be allowed to remain for a maximum of fourteen (14) days per issued permit, and the property shall be limited to a maximum of four (4) additional permits per year.
  - c) The total area of temporary signs on any property is limited to a maximum of 0.5 sq. ft. of sign area for each foot of lot frontage.
3. Non-Residential Districts – Permit Exempt. Temporary signs are allowed in the non-residential districts without a permit, subject to the following requirements:
  - a) Except for signs approved by the Common Council, and movable board signs in the CB District, all signs shall be located entirely within the property boundaries.
  - b) Signs shall not obstruct the visibility from any intersection or driveway, or the movement of pedestrians on a public sidewalk.
  - c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.

- d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
  - e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
  - f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
  - g) Total sign area shall not exceed sixteen (16) sq. ft. without a permit.
4. Non-Residential Districts – Permit Required. Temporary signs in addition to the signs described in Section (h)(3) above are subject to a sign permit and the following requirements
- a) A permit is required for each sixteen (16) square feet of additional temporary sign area. Each sign shall be allowed for a maximum of fourteen (14) days, and the business or entity shall be limited to a maximum of four (4) additional permits per year.
  - b) Special Event Signs: Unlimited temporary signs are allowed with a permit for grand openings, sales, or other special events. Signs for each event shall be allowed for a maximum of thirty (30) days, and the property shall be limited to a maximum of two (2) events per year.
  - c) Except for Special Event Signs, the total amount of temporary signs allowed on a property is limited to a maximum of one and one-half (1.5) square feet of sign area for each linear feet of building frontage, or occupant building frontage for multi-tenant buildings.
5. NON-CONFORMING SIGNS.
- a) All signs, except temporary signs, that are in existence as of the adoption of this ordinance and that do not conform to this Section shall be considered as non-conforming and are subject to the requirements of Section 114-117.
  - b) Signs that are legal but non-conforming under this Section may not be enlarged, heightened, altered in shape, or moved. The copy on such signs may be altered, but only within the existing area of the sign.
6. DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.
- a) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of twelve (12) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.
  - b) Alterations. Any sign that was erected before the adoption of this sign ordinance shall not be enlarged, rebuilt or relocated without conforming to all of the requirements of this Section.
  - c) Violations. All signs constructed or maintained in violation of any of the provisions of this sign ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this

Chapter, the Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

**Sec. 114-48. Board of Appeals**

- (a) ESTABLISHMENT. There is hereby established a Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this ordinance which are in harmony with its purpose and intent.
- (b) ORGANIZATION
  - 1. The Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or of two members and shall be open to the public. Minutes of the meeting shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be filed in the Office of the City Clerk and shall be a public record.
  - 2. The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation or permit an accessory, temporary, unclassified, or unspecified use.
- (c) POWERS. The Board of Appeals shall have the following powers:
  - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter or of any ordinance adopted pursuant thereto:
  - 2. To authorize upon appeal in specific cases such variance from the terms of the ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  - 3. To consider substitution of a nonconforming use with a more restrictive nonconforming use.
  - 4. To hear and grant applications for temporary uses in any district, when such uses do not involve the erection of a substantial structure, are compatible with the neighboring uses and have been reviewed and recommended by the Plan Commission. The permit shall be temporary, revocable, subject to any conditions required by the Board, and shall be issued for not more than 12 months.
  - 5. The Board may, at any time request assistance from other City officers, departments, commissions and boards.
- (d) APPEALS.
  - 1. Appeals from the decision of the Building Inspector or Zoning Administrator concerning the enforcement of this ordinance may be made to the Board of Appeals by any person aggrieved or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Zoning Administrator within 30 days after the date of the decision of the Building Inspector or Zoning Administrator.
- (e) APPLICATION. Application for appeals and/or variances shall be on a form supplied by the Zoning Administrator and shall be accompanied by the following:
  - 1. The names and addresses of the appellant or applicant and all property owners of record within 100 feet of the property.

2. A site plan of the subject property showing all information necessary to establish the case for appeal or variance.
  3. Additional information required by the Zoning Administrator, Plan Commission, Director of Public Works, Building Inspector or the Board.
  4. Any other information which the applicant deems relevant in support of the application.
  5. An application fee in the amount as established from time to time by the Common Council.
- (f) HEARINGS. The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten days prior to the hearing and shall give due notice to all parties in interest, the Building Inspector, and the Chair of the Plan Commission. At the hearing the appellant or applicant may appear in person or by agent.
- (g) STANDARDS. A variance from the provisions of this ordinance shall not be granted by the Board unless the variance request meets the following standards.
1. Area Variance. An area variance is defined as a request for a deviation from a zoning restriction governing area, setback, frontage, height, bulk or density.
    - a. The proposed variance will not be contrary to the public interest or result in harm to the general public.
    - b. The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
    - c. The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the restrictions governing area, setbacks, height, etc., would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.
    - d. The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
    - e. The hardship must be unique to the property and not self-created.
  2. Use Variance. A use variance is defined as a request to use the property for a purpose not permitted by the regulations.
    - a. The proposed variance will not be contrary to the public interest or result in harm to the general public.
    - b. The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
    - c. The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the regulations results in the applicant having no reasonable use of the property in the absence of a variance. The variance should not conflict with the purpose of the zoning ordinance.
    - d. The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
    - e. The hardship must be unique to the property and not self-created.
- (h) DECISION
- a. The Board of Appeals shall decide all appeals and applications within 30 days of the final hearing and shall transmit a signed copy of the Board's decision to the

- appellant or applicant, the Building Inspector, the Chair of the Plan Commission, and the City Clerk.
- b. Conditions may be placed upon any building permit ordered or authorized by the Board. Conditions may be placed on any decision made which does not involve a building permit.
  - c. Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless a building permit has been approved (if required) and substantial work has commenced pursuant to such grant.
- (i) WETLAND AND FLOODLAND MAPPING DISPUTES
- a. Wetland disputes. Whenever the board of appeals is asked to interpret a lakeshore shoreland-wetland or floodland district boundary where an apparent discrepancy exists between the city's final wetland inventory map and actual field conditions, the city shall contact the state department of natural resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the board of appeals shall direct the city plan commission to initiate appropriate action to rezone the property within a reasonable amount of time.
  - b. Floodland disputes. Whenever the board of appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal flood insurance study and the actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study, or where such information is not available to the board of appeals, the person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the board of appeals shall advise the city plan commission of its findings and the plan commission shall proceed to petition the common council for a map amendment.
- (j) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may appeal such decision to the court of record. All appeals must be filed with the court within 30 days after receipt of a copy of the Board's decision by the applicant or appellant.
- (k) RE-APPEALS. No appellant may resubmit the same or similar appeal in person or by agent for the same property within 6 months after the decision by the Board.

**Sec. 114-49-50. Reserved**

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## **ARTICLE I. IN GENERAL**

### **DIVISION 1**

#### **Sec. 114-1. Title.**

This chapter shall be known, cited and referred to as the "City of Mauston Zoning Ordinance," except as referred to herein, where it shall be known as "this chapter."

#### **Sec. 114-2. Purpose.**

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

#### **Sec. 114-3. Intent.**

It is the general intent of this Ordinance to regulate the use of all structures, lands and waters; regulate population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and provide penalties for its violation.

### **DIVISION II General Provisions**

#### **Sec. 114-4. Jurisdiction.**

This chapter is applicable to all territory located within the corporate limits of the city. This chapter is also applicable to those extraterritorial zoning jurisdictions which specifically incorporate, by reference, all or part of this chapter.

#### **Sec. 114-5. Zoning Administration.**

ZONING ADMINISTRATION. The Zoning Administrator shall be responsible for administering this ordinance. In this chapter the term "Zoning Administrator" shall mean the Zoning Administrator.

#### **Sec. 114-6. Compliance.**

COMPLIANCE. No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered without a building permit, subject to the requirements of Chapter 102 of the Municipal Code, and no structure, land or water shall hereafter be used or occupied without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The Zoning Administrator, with the aid of the Police Department, shall investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Zoning Administrator and his duly-appointed deputies may enter at any reasonable time onto any public or private lands or waters to make an inspection.



**Sec. 114-7. Building Permit.**

BUILDING PERMIT. Applications for a building permit shall be made in accordance with the requirements of Chapter 102 of the Municipal Code.

**DIVISION III Legal Provisions****Sec. 114-8. Authority.**

These regulations are adopted under the authority of Wis. Stats. §§ 62.23(7) and 87.30, as amended.

**Sec. 114-9. Effective Date.**

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than six months after the effective date of the ordinance from which this chapter is derived, except where subject to developer's agreement provisions. This chapter shall become effective upon:

- (1) The passage and posting of an enabling ordinance which adopts this chapter according to law; and
- (2) The adoption of a new zoning map, whichever occurs later. (This effective date was October 31, 2001.)

**Sec. 114-10. Violations**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation the Common Council, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

**Sec. 114-11. Abrogation and greater restrictions.**

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

**Sec. 114-12. Interpretation.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted to the City by law. Where a provision of the floodplain zoning ordinance is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and where the meaning of the ordinance provisions is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of that ordinance or in effect on the date of the most recent text amendment to that ordinance.

**Sec. 114-13. Severability.**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby.

**Sec. 114-14. Repeal.**

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

**Sec. 114-15. Statutory references.**

The provisions of state statutes and administrative code regulations listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of any statute or code referred to herein shall also be made a part of this chapter.

**Sec. 114-16. Changes and Amendments.****(a) AUTHORITY**

1. Whenever public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this ordinance or amendments thereto.
2. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

**(b) INITIATION.** A change or amendment may be initiated by the Common Council, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be rezoned or affected by the proposed changes.**(c) PETITIONS**

1. Petitions for any change to the district or lot boundaries or amendments to the text of this ordinance shall be filed with the City Clerk, describe the premises to be rezoned, the lot or lots to be re-divided or the text to be amended, list the reasons for the petitions, and specify the proposed use. For changes to zoning district boundaries, petitions shall also contain the following:
  - i. A map drawn to a scale of not less than 1:300 showing the area proposed to be rezoned, its location, its dimensions, the location, zoning, and existing use of all properties within 200 feet of the area proposed to be rezoned.
  - ii. The names and addresses of owners of all properties within 200 feet of the area proposed to be rezoned; however, if the change or amendment is for a Planned Unit Development, the names and addresses of owners of all properties within 500 feet shall be provided.
  - iii. An application fee in the amount as established from time to time by the Common Council.

**(d) RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.**(e) HEARINGS.** The Common Council shall hold a public hearing upon each recommendation involving changes of zoning or amendments to this Chapter after publication of a Class II legal notice in accordance

with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at least ten days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within 200 feet of the area proposed to be rezoned at least 10 days prior to the public hearing; however, if the change or amendment is for a Planned Unit Development, other than for an approved PUD, all property owners within 500 feet shall be so notified.

- (f) COMMON COUNCIL ACTION. Following such hearing and after careful consideration of the Plan Commission’s recommendations, the Common Council shall vote on the passage of the proposed change or amendment. Changes to the district boundaries must be shown on the Zoning Map on the effective date of the change.
- (g) PROTEST. In the event of written protest against such district change signed by the owners of 20% or more of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending one hundred feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending one hundred feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the Common Council voting on the proposed change.
- (h) REPETITIONING. No petition requesting the same or similar action may be resubmitted by the original petitioner or his agent for the same property before the passage of six months following Common Council action.

Sec. 114-17. Abbreviations.

The following abbreviations in this chapter are intended to have the following meanings:

Table 114-15(a)

| Abbreviation | Meanings                                  |
|--------------|---|
| ABC          | Accessory building coverage               |
| Ac           | Acre                                      |
| Acc          | Accessory                                 |
| AFH          | Adult family home                         |
| AG           | Agriculture (zoning district)             |
| Bldg         | Building                                  |
| CB           | Central business (zoning district)        |
| CG           | Community gateway overlay zoning district |
| CLA          | Community living arrangement              |
| Db           | Decibel                                   |
| DD           | Downtown design overlay zoning district   |
| DNR          | Wisconsin Department of Natural Resources |
| DW           | Drainageway overlay zoning district       |
| DPW          | Mauston's director of public works        |
| Du           | Dwelling unit                             |
| ER-1         | Estate residential-1 (zoning district)    |
| F            | Floor                                     |
| FAR          | Floor area ratio                          |
| FEMA         | Federal Emergency Management Agency       |
| Ft           | Foot/feet                                 |
| FP           | Floodplain overlay zoning district        |
| GB           | General business (zoning district)        |

|              |   |
|--------------|---|
| GDP          | General development plan                                    |
| GFA          | Gross floor area  |
| GI           | General industrial (zoning district)                        |
| GSA          | Gross site area   |
| GSR          | Green space ratio   |
| HI           | Heavy industrial (zoning district)                          |
| HP           | Historic preservation overlay zoning district               |
| ISR          | Impervious surface ratio                                    |
| J            | Lot width (when shown on drawing)                           |
| K            | Street frontage (when shown on drawing)                     |
| L            | Front setback to principal building (when shown on drawing) |
| LA           | Landscaped area   |
| LSR          | Landscape surface ratio                                     |
| M            | Front setback to accessory building (when shown on drawing) |
| Max          | Maximum   |
| MBC          | Maximum building coverage                                   |
| MBS          | Maximum building size                                       |
| MGD          | Maximum gross density                                       |
| Min          | Minimum   |
| MH           | Maximum height  |
| MLA          | Minimum lot area  |
| MSA          | Minimum site area   |
| MR-8         | Multifamily residential-8 (zoning district)                 |
| MR-10        | Multifamily residential-10 (zoning district)                |
| MWR          | Municipal well recharge area overlay zoning district        |
| MZA          | Minimum zoning district area                                |
| N            | Side setback to principal building (when shown on drawing)  |
| Na           | Not applicable  |
| NB           | Neighborhood business (zoning district)                     |
| Nonres       | nonresidential  |
| O            | Side setback to accessory building (when shown on drawing)  |
| P            | Rear setback to principal building (when shown on drawing)  |
| PB           | Planned business (zoning district)                          |
| PBC          | Principal building coverage                                 |
| PD ( _ - _ ) | Planned development (zoning district)                       |
| PIP          | Precise implementation plan (section 114-296)               |
| POZ          | Park overlay zoning district                                |
| Princ        | Principal   |
| Q            | Rear setback to accessory building (when shown on drawing)  |
| R            | Peripheral setback (when shown on drawing)                  |
| Res          | Residential   |
| RPA          | Resource protection area                                    |
| S            | Paved surface setback (when shown in drawing)               |
| Sq. ft.      | Square feet   |
| SR-3         | Single-family residential-3 (zoning district)               |
| SR-4         | Single-family residential-4 (zoning district)               |
| SS           | Steep slope overlay zoning district                         |
| SW           | Shoreland-wetland overlay zoning                            |

|      |   |
|------|---|
| T    | Separation of principal buildings (when shown on drawing) |
| TR-6 | Two-family residential-6 (zoning district)                |
| U    | Separation of accessory buildings (when shown on drawing) |
| WECS | Wind energy conversion system                             |
| WL   | Woodland overlay zoning district                          |
| X    | Parking space (when shown on drawing)                     |
| Y    | Dwelling core dimensions (when shown)                     |
| ZDA  | Zoning district area                                      |
| #F   | Number of floors  |
| "-"  | or fewer (e.g., "8-" means "8 or fewer")                  |
| "+"  | or more (e.g., "9+" means "9 or more")                    |

## Sec. 114-18. 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.

*Accessory Dwelling Unit (ADU)*, means a secondary dwelling unit on a residential lot in addition to the primary dwelling unit. The ADU shall be smaller than and behind the primary dwelling unit; the ADU shall be less than or equal to 768 square feet, with two (2) or fewer bedrooms and its own complete kitchen plus bath and toilet facilities. The ADU could be within the existing structure or an addition to an existing structure (with a separate entrance), or a detached structure respecting zoning district regulation. The owner shall live on the lot; and the utilities could be separately provisioned from the primary dwelling.

*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 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).

*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).

*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.

*Boarding House*, means a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, lodgings are furnished for three (3) or more unrelated persons but not to exceed eight (8) unrelated persons who reside on the premises on a permanent or long-term basis in rooms which do not have individual kitchen facilities. All food preparation is done in a common kitchen by or under the supervision of person who is in charge of the premises. In addition, the owner of the premises or a person who operates or supervises the premises for the owner, and his/her immediate family, may maintain living quarters in the same building. A building which accommodates tourists or transients is not a boarding house.

*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* Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, equipment, machinery or materials. Poles used for the support of transmission wires and appurtenant equipment for supplying public utility services and fences and tents shall not be considered as buildings or structures.

*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 measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, or to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

*Building line* A line parallel to a front lot line or a corner side lot line and at a distance from the lot line(s) to comply with the street yard setback requirements.

*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*.

*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.

*COMMERCIAL RECREATION – A private, for-profit use or facility (not including institutional uses or facilities) which provides recreation opportunities to the public. Such uses include, but are not limited to, billiard halls, bowling alleys, indoor playgrounds, game rooms and dance halls.*

*COMPREHENSIVE PLAN – The developed plan, also called a master plan, adopted by the Plan Commission and certified to the Common Council pursuant to Wis. Stats. § 62.23, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning ordinance, official zoning map, land division and building ordinances and capital improvement programs, shall also be considered a part of the comprehensive plan.*

*CONVENIENCE STORE – A retail establishment selling and storing only new merchandise and prepackaged food consisting primarily of daily necessity items. Retail automotive fuel sales may also be included but such business shall not include vehicle sales, service, mechanical and body repair, vehicle washing and upholstery repair.*

*DAY CARE CENTER – Any place which receives at any one time for compensation 4 or more children under the age of 7 years for care and supervision for less than 24 hours a day and for more than 10 days a month without the attendance of a parent, relative or legal guardian.*

*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 purposes, 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 on 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 a 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.

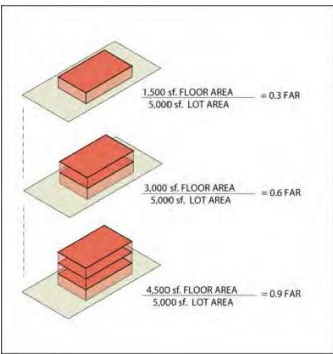
*Fence* means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

*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* mean 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.

*Group Development*, means any parcel with multiple principal structures or multiple principal land uses, or a single commercial structure with multiple uses, such as a strip mall. Or any commercial development that is not a single structure or use.

*Hearing notice* means publication or posting which meets the requirements of Wis. Stats. § 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.

*Home Occupation*, means any gainful occupation carried on in a residential zoning district which meets all of the following requirements:

- (1) The occupation is engaged in only by persons residing in their dwelling.
- (2) The occupation is conducted entirely within the principal structure.

- (3) *Evidence of the occupation is not visible from the street.*
- (4) *No signs other than those permitted in the applicable residential district are displayed.*
- (5) *No stock in trade is stored on the premises.*
- (6) *Over-the-counter retail sales are not involved.*
- (7) *Entrance to the home occupation is gained from within the structure.*

*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 for 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 or 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, drainageways, 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.

*Tourist Rooming House*, means any lodging place or tourist cabin or cottage, other than hotels and motels, in which sleeping accommodation are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

*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 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.

*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.

**Secs. 114-19—114-20. Reserved.**

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## **New Code**

### **Article 1**

Sec. 114-1. Title.

Sec. 114-2. Purpose

Sec. 114-3. Intent.

Sec. 114-4. Jurisdiction.

Sec. 114-5. Zoning Administration.

Sec. 114-6. Compliance.

Sec. 114-7. Building Permit.

Sec. 114-8. Authority.

Sec. 114-9. Effective Date.

Sec. 114-10. Violations

Sec. 114-11. Abrogations and greater restrictions.

Sec. 114-12. Interpretation.

Sec. 114-13. Severability.

Sec. 114-13. Repeal.

Sec. 114-15. Statutory references.

Sec. 114-16. Changes and Amendments.

Sec. 114-17. Abbreviations.

Sec. 114-18. Definitions.

Secs. 114-19—114-37. Reserved.

## **ARTICLE II**

Sec. 114-38. Zoning Districts

Sec. 114-39. SR Suburban Residential District

Sec. 114-40. MH Manufactured Home and Mobile Home Community District

Sec. 114-41. MF Multi-Family Residential District

Sec. 114-43. PB Planned Business District

Sec. 114-44. GB General Business District

Sec. 114-45. CB Central Business District

Sec. 114-46. G1 General Business District

Sec. 114-47. Heavy Industrial District

Secs. 114-48—114-80. Reserved.

## **ARTICLE III**

Overlay Districts 114-81 – 114-113

## **Article IV**

Sec. 114-114. General information.

Sec. 114-115. Site Restrictions

Sec. 114-116. Use Restrictions

Sec. 114-117. Nonconforming uses, structures, and lots

Sec. 114-118. Specific standards.

Sec. 114-119. Design Review

Sec. 114-120. Multi-Family Design Review

Sec. 114-121. Planned Unit Development District

Sec. 114-122. Conditional Uses

Secs. 114-122—114-158. Reserved.

## **ARTICLE V**

Sec. 114-159. Traffic, Parking and Access

Sec. 114-160. Performance Standards

Sec. 114-161. Accessory Dwelling Units

Sec. 114-162. Swimming Pools

Sec. 114-163 Mobile Home Parks

Sec. 114-164. Modifications and Exceptions

Sec. 114-165 Signs

Sec. 166. Board of Appeals

Zoning Code Assessment and Direction Report

# City of Mauston Zoning Code Mauston, Wisconsin

*Prepared For:*  
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**January 3, 2022**

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## Introduction

With this Zoning Code Update Project, the City of Mauston is undertaking a review of its Zoning Code to make the Zoning Code easier to administer and support high-quality development in the community. The City's completed an update to the Zoning Ordinance in early 2017. At that time, duplicate language was removed, zoning districts were reduced, land uses were edited. However, the City wishes to see additional edits to the Code considering Wisconsin Act 67, became effective Nov. 28, 2017. While the City has routinely adopted amendments to address specific issues, the City needs an evaluation of the entire Zoning Code to determine where there are inconsistencies within the code, ensure the City's regulations are consistent with current State Statutes, address standards that are outdated with contemporary development market practices, and make the code easier to use for property owners, business owners, developers, and community members. The code should function as an easy-to-use tool that supports the community's development needs rather than a hurdle to development. The process will implement recommendations from the 2016 Comprehensive Plan.

The purpose of the Ordinance Assessment and Direction Report is to provide detailed documentation of the strengths and weaknesses of the City's current code in terms of usability, organization, effective standards, and inconsistencies within the codes and with relevant plans. The development code evaluation process is intended to determine where there are conflicting development standards, unclear processes, and regulations that do not reflect modern trends and needs of property uses and development.

The annotated outline identifies the recommended reorganization of the City's codes. The current structure of the code is difficult to administer given its structure. Some of the chapters use Divisions and some do not, thus the proposed structure will use divisions in chapters to group related sections and the section numbering will include a reference to both the chapter and division to ease navigating the code.

This report is intended to provide a foundation for the code update process, allowing the City to review and provide feedback regarding the code evaluation and the overall new code structure before drafting of recommended changes to the development codes begins. This report is organized into the following sections:

1. Major Themes for Improvement
2. Annotated Outline
3. Appendix: Downtown Map showing various boundaries

It is important to remember that this evaluation does not necessarily identify every issue or individual problem with the existing Zoning codes. Instead, the report tries to focus on broader issues that will provide direction for the project prior to drafting the new Zoning Code.

## Priority Discussion Points

Priority discussion points to review and discuss to move forward. If any of the suggestions are or are not taken, that impacts the direction for the rest of the zoning code update.

1. Discuss merging Zoning Districts
2. Discuss Structure of Zoning Districts' Purposes, Uses and Standards
3. Reorganize Uses
4. Update and Clarify Development Procedures
5. Reorganize sections because there are sections in Article VIII that should be Article I. These are all noted in the Annotation portion of this document.
6. Utilize "Divisions" in the Articles to ease navigating the code.
7. Allow Zero-lot line in one or two of the Zoning Districts.
8. Consider removing the minimum zoning district area.
9. Land Use Development Standards need to be pared down. Many of the regulations listed can be combined into other Performance Standards or other regulations. Thus, a deep dive needs to be completed on what regulations the City wants to keep for each land use. This of course would be part of the greater land use discussion.
10. Accessory Uses are reorganized and have a proposed outline that will reduce the exhaustive tables under the zoning districts
11. Determine if Sign Code should be its own chapter. This chapter also contains conditional uses. It is suggested that if the Sign Code becomes its own chapter, then a waiver can be granted instead of a conditional use.
12. Discuss inclusion of short-term rentals within the city.

## Major themes for improvement

### Evaluate Planned Unit Development Section

The Planned Unit Development Section is overly complicated for an applicant to understand their responsibilities to move through the Development Process. The term Planned Unit Development (PUD) is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

PUD is a special type of floating overlay district which generally does not appear on the municipal zoning map until a designation is requested. This is applied at the time a project is approved and may include provisions to encourage clustering of buildings, designation of

common open space, and incorporation of a variety of building types and mixed land uses. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. Potential benefits of a PUD include more efficient site design, preservation of amenities such as open space, lower costs for street construction and utility extension for the developer and lower maintenance costs for the municipality.

The PUD ordinance should clearly spell out the review process, opportunities for public involvement, and procedural guidelines.

Currently, the PUD is not in the best section of the zoning code. It is suggested to move to Article II (Zoning Districts), Article III (overlay Zoning Districts), Article VI (Reserved), or Article VII (Signs), if Sign Code is moved to its own chapter.

## Evaluate Conditional Uses and How to handle as a Result of WI Act 67

In December of 2017, Wisconsin Act 67 changed how cities can process conditional use permits (CUPs). Conditional use permits have traditionally been used to allow uses that may have impacts on surrounding properties if no mitigating measures were taken. During the review and approval process a City would typically add conditions to the permit approval in an effort to minimize impacts. Conditions might address site parameters such as setbacks, building height, site access points, traffic movement, screening, landscaping, or signage. These conditions were not necessarily identified in the code.

Act 67 now requires a city to grant a conditional use permit if an applicant meets, or agrees to meet, all the requirements and conditions specified in the ordinance or imposed. **These conditions must be based on substantial evidence**, defined in the Act as **facts and information** rather than simply personal preference or speculation about impacts. A review of the code finds that the City has many conditional uses and many of the conditional uses do not have specific conditions or has many conditions, or conflicting conditions. It is anticipated that after reflection some conditional uses could be changed to permitted uses or uses permitted with standards. In addition, for those uses that should be retained as conditional, it is important that the requirements and conditions outlined in the code meet Act 67 requirements. A comprehensive review of conditional uses is recommended as part of the rewrite process.

Further guidance in Act 67 directs those conditions imposed by the zoning authority "must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal."

The code needs to clarify between Variance and Conditional Uses. The code has two Variance types. Area Variances and Use Variances. However, a Use Variance is typically referred to as a Conditional Use Permit. It is suggested to remove the Use Variance and use the Conditional Use Permit process. The following provides a brief overview of a variance and a conditional use. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met. See *Goldberg v. City of Milwaukee Board of Zoning Appeal*, 115 Wis.2d 517, 340 N.W.2d 558 (Ct. App. 1983).

Similarly, a conditional use or special exception permit generally transfers to the purchaser of a property subject to such a permit. However, some communities impose periodic reviews on conditional use or special exception permits and/or issue such permits for specific time periods (e.g., one year).

## Reorganize Permitted and Conditional Uses

Once the land use and land use development standards are reviewed and discussed. Then, additional back and forth can be completed with identifying the land uses that will be Allowed, permitted with standards, conditional use, and not allowed. The annotations provide further guidance on several sections of the Code.

## Evaluate City's Zoning Map

A preliminary comparison was conducted of the City's current Zoning Map. In 2016, the Zoning Map and Future Land Use Maps were made consistent. Thus, there does not seem to be any issues with Zoning Map/Future Land Use consistencies. However, it might be beneficial to reduce the zoning districts even further. Below is the current acreage and percent of each Zoning District. It is suggested to combine General Business and Neighborhood Business, SR3- and SR4, and, MR-10 and MR-8, and incorporate zero-lot line twin homes into either the SR, TR, and/or the MR zoning districts. The table below shows the Zoning Districts, their acreage, and percent of total land. The "blank" parcels are ETZ parcels.

|             | Acres    | Percent |
|-------------|----------|---------|
| AG          | 1,297.50 | 38.39%  |
| CB          | 41.70    | 1.23%   |
| GB          | 10.00    | 0.30%   |
| NB          | 10.00    | 0.30%   |
| PB          | 295.10   | 8.73%   |
| GI          | 558.70   | 16.53%  |
| HI          | 7.60     | 0.22%   |
| SR3         | 267.50   | 7.92%   |
| SR4         | 316.80   | 9.37%   |
| TR6         | 45.80    | 1.36%   |
| MR10        | 27.10    | 0.80%   |
| MR8         | 51.10    | 1.51%   |
| (blank)     | 450.60   | 13.33%  |
| Grand Total | 3,379.50 |         |

Additionally, a thorough review the downtown zoning districts and overlay districts was completed. Please see the Appendix A: Downtown Map Districts for review and discussion.

## Improve Zoning as a Tool for Expanding Housing Development Options

The city's existing residential zoning districts are predominantly structured around traditional, single-family houses, duplexes/twin homes, and multi-family housing development. The community is interested in increasing the diversity of housing options available for existing and

new residents. Updates to the residential zoning districts could better reflect modern housing development trends and enable the addition of a greater diversity of housing types for residents. For example, so-called “missing middle housing” types could potentially be identified and allowed in more areas of the city than larger scale, higher density housing types. Missing middle housing types include side-by-side duplexes, stacked duplexes, bungalows, accessory dwelling units, four-plexes, townhouses/rowhouses, live-work units, and small apartment buildings. The scale of these medium density housing types can be designed to be compatible with single-family housing neighborhoods. Options to consider are expanding the housing types allowed in the SR-3 and SR-4 zoning districts and/or creating a new R-3 zoning district. Allowing zero-lot twin-home.

Some potential challenges to be aware of include the existence of small lots in the R-1 and R-2 districts that may not be large enough to accommodate middle density housing types, potential neighborhood residents' concerns about medium and high-density housing types next to single-family homes, and the need for adding standards that will ensure compatibility between different housing types and densities.

Additionally, the city will need to consider Accessory Dwelling Units (ADU's) as an option to address housing. ADU's are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents. Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable. In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.

## Zoning Code Annotation

The following pages contains Zoning Code Annotations. Each section of the Articles of the Chapter have been reviewed and contain notes. The Annotation provides the next steps or other comments to consider during Phase 2 of the zoning code update. Some sections contain more detailed notes, while others provide guidance during the Phase 2 process. The Annotation is broken down by Article. At the beginning, before the Section Annotation, an overview of the major issue with the Article is provided or a proposed reorganization is provided. There is a process to keep note of each current section if moved to another article or section during Phase 2.

The following Color-Coded Actions

The following colors refer to the bullets of the Annotated Sections. While Section Headings also have different colors to show items to stay and items to move to another Article, do not refer to the Section Heading colors because those are for:

1. Staff action/decision to move forward
2. Staff original comments - aqua
3. Attorney review necessary before/after code is re-written

Zoning Code Changes Reference Document

## Article I: General Provisions

### **Sec. 114-1. Title.**

1. Same number

### **Sec. 114-2. Authority.**

1. Moved to Section 114-8

### **Sec. 114-3. Legislative intent.**

1. Same number

### **Sec. 114-4. Purpose.**

1. Moved to Section 114-2

### **Sec. 114-5. Appearance of ordinance text.**

1. Removed

### **Sec. 114-6. Separability and non-liability.**

1. Moved to Section 114-12

### **Sec. 114-7. Abrogation.**

1. Moved to Section 114-10

.

### **Sec. 114-8. Jurisdiction.**

1. Moved to Section 114-4

### **Sec. 114-9. Re-enactment and repeal.**

1. Moved to Section 114-13

### **Sec. 114-10. Effective date.**

1. Moved to Section 114-9

### **Sec. 114-11. Appendices and checklists.**

1. Removed



### **Sec. 114-12. Rules of interpretation.**

1. Moved to Section 114-11

### **Sec. 114-13. Word usage.**

1. Removed

### **Sec. 114-14. Statutory references.**

1. Same

### **Sec. 114-15. Abbreviations.**

1. Needs to be reviewed and updated after all edits are complete or Suggest to remove

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

1. Needs to be reviewed and updated after all edits are complete

### **Secs. 114-17—114-37. Reserved.**

# Article II: Standard Zoning Districts

This section was re-written see the draft Zoning districts.

## Sec. 114-38. Purpose

Each zoning district has its own purpose.

## Sec. 114-39. Standard Zoning Districts categories and standard zoning districts

- 1. Under 114-38

## Sec. 114-40. Map of standard zoning districts

- 1. Under 114-38

## Sec. 114-41. Interpretation of zoning district boundaries

- 1. Under 114-38

## Sec. 114-42. Relationship to overlay zoning districts

## Sec. 114-43. Reserved

## Sec. 114-44. Agricultural District

- 1. Needs to be revised to match the other zoning district format.

## Sec. 114-45. Residential Districts

## Sec. 114-46. Non-Residential Districts

## Sec. 114-47. Industrial Districts

## Sec. 114-48. Planned Development

- 1. Moved to Article Section 114-121

## Article III: Overlay Zoning Districts

**Sec. 114-81. Purpose.**

**Sec. 114-82. Overlay zoning categories and districts.**

**Sec. 114-83. Map of overlay zoning districts.**

**Sec. 114-84. Interpretation of overlay zoning district boundaries.**

**Sec. 114-85. Natural resource protection overlay zoning categories.**

**Sec. 114-86. Community character overlay zoning.**

1. Suggest removing

**Sec. 114-87. Airport overlay zoning.**

**Secs. 114-88—114-113. Reserved.**

## Article IV: Land Use Development Standards

### **Sec. 114-114 General Information**

### **Sec. 114-115 Regulations applicable to all land uses**

### **Sec. 114-116 Nonconforming Uses**

1. Updated to Nonconforming Uses, Structures, and lots

### **Sec. 114-117 Substandard Lot Regulations**

2. Updated to Nonconforming Uses, Structures, and lots

### **Sec. 114-118 Nonconforming Structures and buildings**

1. Moved to 114-117

### **Sec. 114-119 Density and Intensity Standards**

1. This is now incorporated in the zoning districts, and other places

### **Sec. 114-120 Bulk Regulations**

1. This is now incorporated in the zoning districts, and other places

### **Sec. 114-121 Residential Land Uses**

### **Sec. 114-122 Agricultural I Land Uses**

### **Sec. 114-123 Institutional Land Uses**

### **Sec. 114-124 Commercial Land Uses**

### **Sec. 114-125 Storage or Disposal land Use**

### **Sec. 114-126 Transportation land Use**

### **Sec. 114-127 Industrial land Use**

### **Sec. 114-128 Accessory Land Use**

1. Moved to 114-116 (b) (1) and (2)

**Sec. 114-129 Temporary Land Use**

- 1. Moved to 114-116 (b) (6)

**Sec. 114-129 Group Developments**

Addressed in Design review.

Article V: Performance Standards

**Sec. 114-159 Access Standards**

- 1. Moved to Article V Section 114-159 Traffic, Parking and Access

**Sec. 114-160 Visibility Standards**

- 1. Moved to Article V Section 114-159 Traffic, Parking and Access

**Sec. 114-161 Off-street parking and traffic circulation standards**

- 1. Moved to Article V Section 114-159 Traffic, Parking and Access

**Sec. 114-162 Off-street loading Standards**

- 1. moved to Article V Section 114-159 Traffic, Parking and Access

**Sec. 114-163 Exterior Storage Standards**

- 1. Moved to Article V Section 114-159 Traffic, Parking and Access Section (e) (f) (b)

**Sec. 114-164 Exterior Lighting Standards**

- 1. Moved to 114-119 Design Review and 114-120 Multi-family design review

**Sec. 114-165 Vibration Standards**

- 1. Moved to 114-160

**Sec. 114-166 Noise Standards**

- 1. Moved to 114-160

**Sec. 114-167 Air Pollution Standards**

- 1. Removed

**Sec. 114-168 Odor Standards**

- 1. Removed

- a. No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day

### **Sec. 114-169 Electromagnetic Radiation Standards**

1. Removed

### **Sec. 114-170 Glare and Heat Standards**

1. Moved to 114-160

### **Sec. 114-171. Fire and explosion standards.**

1. Under architectural standards

### **Sec. 114-172. Toxic or noxious material standards.**

1. Should be addressed in wellhead protection/ municipal well recharge

### **Sec. 114-173. Waste material standards.**

1. Moved to 114-160

### **Sec. 114-174. Exterior construction material standards.**

1. Under architectural standards

### **Sec. 114-175. Roof and eave standards.**

1. Under architectural standards

### **Sec. 114-176. Hazardous materials standards.**

1. Should be addressed in wellhead protection/municipal well recharge

### **Sec. 114-177. Fencing standards.**

1. Moved to Article IV Section 114-116 (b) (3)

### **Sec. 114-178. Signal receiving antennas (satellite dishes) standards.**

1. Moved to Article V Section 114-160 (a) (2)

### **Sec. 114-179. Wind energy conversion systems (WECS) standards.**

1. Not included in zoning code at this time. Suggest removing.

### **Sec. 114-180. Swimming pool standards.**

1. This would be covered under the new proposed Accessory Use and Structures section

### **Sec. 114-181. Outdoor storage and screening.**

1. Moved to Article IV | Section 114-119 Design Review (e)

**Sec. 114-182. Landscaping and greenspace.**

- 2. Moved to Article IV | Section 114-119 Design Review (f)

**Sec. 114-183. Natural resources protection.**

- 3. Moved to Article IV | Section 114-119 Design Review (h)

**Sec. 114-184. Sidewalk and bike paths.**

- 4. Moved to Article IV | Section 114-119 Design Review (i)

**Sec. 114-185. Vacation and maintenance of buildings.**

- 1. Moved to Article IV | Section 114-119 Design Review (j)

**Sec. 114-186. Administration and enforcement of performance standards.**

- 1. This should be incorporated into Article VIII

**Secs. 114-187—114-220. Reserved.**

## Article VI: Reserved

1. This Article can be used for the items in orange from Article V or used for Planned Unit Development District. However, it is suggested that if the PUD/PD has its own article, then the article should be after Article II Standard Zoning Districts, thus ordering the Articles entirely. Additionally, the Standard Zoning Districts could be renamed to Zoning Districts and the overlay Districts can be included in Article III, Zoning Districts (renamed). Then, the Planned Unit Development/PD can be Article III.



## Article VII: Sign Regulations

### **Entire section updated.**

**Sec. 114-253. Permit required.**

**Sec. 114-254. General regulations.**

**Sec. 114-255. Definitions and requirements.**

**Sec. 114-256. Excluded items.**

**Sec. 114-257. Permit exempt signs.**

**Sec. 114-258. General signage regulations.**

**Sec. 114-259. Zoning district regulations.**

**Sec. 114-260. Nonconforming signs.**

**Sec. 114-261. Dangerous and abandoned signs; violations.**

**Secs. 114-262—114-283. Reserved.**

# Article VIII: Procedures and Administration

## Sec. 114-284. Purpose.

Not necessary if Divisions and articles are removed.

## Sec. 114-285. Amendments to the text of these zoning regulations.

- 1. Moved to 114-15

## Sec. 114-286. Amendments to the official zoning maps.

- 1. Moved to 114-15

## Sec. 114-287. Zoning permits for permitted uses.

- 1. Covered in Design Review and Building permits are required and under 114-7

## Sec. 114-288. Zoning permits for conditional uses.

- 1. 114-122

## Sec. 114-289. Zoning permits for temporary uses.

- 1. This section is not necessary

## Sec. 114-290. Sign permits.

- 1. 114-165

## Sec. 114-291. Site plan approvals.

- 1. Moved to Design Review

## Sec. 114-292. Zoning certificates of occupancy.

- 1. Covered in the Building Code

## Sec. 114-293. Variances.

Under board of appeals

- 1.

## Sec. 114-294. Interpretations.

- 1. Moved to 114-11

## Sec. 114-295. Appeals of zoning decisions.

- 1. Covered under board of appeals.

## **Sec. 114-296. Planned development district procedures**

Moved to 114-121

## **Sec. 114-297. Zoning administrator.**

1. Moved to Zoning Administrator 114-5

## **Sec. 114-298. Plan commission.**

1. Covered in Chapter 2 Administration

## **Sec. 114-299. Reserved.**

## **Sec. 114-300. Zoning board of appeals.**

1. Covered under board of appeals.

## **Sec. 114-301. Fees.**

Covered in the Fee chapter

## **Sec. 114-302. Violations and penalties.**

1. Moved to 114-10

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**ARTICLE III. LAND USE DEVELOPMENT STANDARDS**

**Sec. 114-31. General information.**

(a) Purpose. The purpose of this article is to \_\_\_\_\_  
If articles are removed, there is no need for a purpose here.

**Sec. 114-32. Site Restrictions**

- (a) LOTS SHALL ABUT ON A PUBLIC STREET, LOT FRONTAGE. All lots shall abut upon a public street. Lot width or frontage as required by this Chapter shall not be provided by easement.
- (b) ONE PRINCIPAL STRUCTURE PER LOT. Except for Planned Unit Developments as provided for in Section 114-38, all principal structures shall be located on one lot; and only one principal structure shall be located, erected, or moved onto a lot.
- (c) PUBLIC WATER AND SEWER.
  - 1) Within the City limits, no building permit shall be issued for a site unless public water and sanitary sewer are provided to that site. If appealed, this requirement may be waived by the City Council after review and recommendation by the Building Inspector, Public Works Committee and the Plan Commission.
  - 2) In the extraterritorial area, water and sewer service can be extended only upon the following conditions:
    - a. If the property is contiguous with the City limits, the property owner shall sign a petition to annex to the City.
    - b. If the property is not contiguous with the City limits, the property owner shall sign a consent to annex, which can be implemented at the option of the City at a later date.
    - c. The decision to extend water and sewer service to non-contiguous property shall be made by the City Council after review and recommendation of the Building Inspector, Water and Sewer Commission and Plan Commission. The City Council may utilize its special assessment authority for construction financing of said extension.
- (d) DEDICATED STREET. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on the side from which the required dedications have not been secured.

**Sec. 114-33. Use Restrictions**

- (a) SPECIFIED USES. Specified uses are those uses specified for a District and their essential services
- (b) ACCESSORY USES AND STRUCTURES. Accessory uses and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except Home Occupations as provided in Section 114-118 (b). Accessory uses include but are not limited to: incidental repairs; storage; parking facilities; and private swimming pools.

Accessory uses shall also include the keeping of animals in accordance with the regulations provided in Chapter 8.

1) Accessory Structures in Residential Areas. The following requirements apply to accessory structure located on lands zoned residential or used for residential purposes.

- a. Location. Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback.
- b. Lot Coverage. Accessory structures may not occupy more than ten percent (10%) of the lot area.
- c. Setback. Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.
- d. Maximum Height. Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.
- e. Maximum Area. The total cumulative ground floor area of accessory structures shall not exceed 1,200 sq. ft.

2) Accessory Structures in Non-residential Areas.

- a. Location. Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback. Exception: Canopies that shelter fuel dispensers/pumps located at gas stations and convenience stores may be located in the street yard.
- b. Lot Coverage. Accessory structures may not occupy more than ten percent (10%) of the lot area.
- c. Setback. Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.
- d. Maximum Height. Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.

3) Fences. Fences and gates at or below twenty-four (24) inches in height are considered landscaping elements and may be installed without a building permit and may be located anywhere on the property. Fences and gates over twenty-four (24) inches in height shall require the issuance of a building permit, except for fences on agricultural land, and shall meet the following requirements. The height of fences and gates that have an arched, or other irregular shape along the top, shall be based on the average height along the top surface.

Fences and Gates in Residential Districts.

- a. In rear and side yards, fences and gates shall not exceed a height of six (6) feet above the established grade of the yard being enclosed.
- b. In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way.
- c. Fences and gates made of barbed wire and electric fences are not permitted in residential districts.
- d. The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.

- e. Fences and gates on corner lots shall meet the requirements of Section 114-159 of the Zoning Ordinance.
- f. Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 114-162 of the Municipal Code.
- g. Exceptions to the above requirements can be approved with a Conditional Use Permit.

Fences and Gates in Non-Residential Districts.

- a. In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way. Fences on agricultural land that are an open style, such as barbed wire, woven wire or split rail, may be located up to any lot line and may be up to six (6) feet in height.
  - b. In rear and side yards, fences and gates shall not exceed a height of eight (8) feet above the established grade of the yard being enclosed.
  - c. Barbed wire and electric fences are permitted only on the top of security fences when located at least six (6) feet above the ground. Fences on agricultural land are exempt from this requirement.
  - d. The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.
  - e. Fences and gates on corner lots shall meet the requirements of Section 114-159 of the Zoning Ordinance.
  - f. Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 114-162 of the Municipal Code.
  - g. Exceptions to the above requirements can be approved with a Conditional Use Permit.
- 4) Retaining walls at or below two feet (2') in height are considered landscaping elements and may be installed without a building permit and without other restrictions. All other retaining walls shall meet the following requirements:
- a. Retaining walls over two feet (2') in height shall require the issuance of a building permit and shall include the submittal of a site plan and proposed wall design.
  - b. Retaining walls over four feet (4') in height but not more than six feet (6') in height shall either be installed according to the design specifications provided by the wall component manufacturer or designed by a licensed engineer.
  - c. Retaining walls over six feet (6') in height shall be designed by a licensed engineer.
  - d. Tiered or terraced retaining walls may be constructed to provide a total height above grade of more than six feet (6') without engineering. However, the individual walls shall be less than six feet (6') and the distance between the walls shall be a minimum of twice the height of the lower wall. If the spacing between the walls is less than this minimum, the wall system shall be designed by a licensed engineer.
  - e. Retaining walls over four feet (4') in height and located within five feet (5') of a property line shall require a conditional use permit. Such permit approval may include a condition that additional design requirements

- and safety features be provided, such as the installation of a fence or other barrier along the top of the wall.
- f. Retaining walls on corner lots shall meet the vision clearance requirements of Section 114-159 of the Zoning Ordinance.
- 5) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation by the Plan Commission in accordance with Section 114-122.
  - 6) **TEMPORARY USES.** Temporary uses such as shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. All other temporary uses are subject to approval by the Board of Appeals after recommendation by the Plan Commission.
  - 7) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in areas or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, or other space required for a structure or use shall be used for any other structure or use, except joint use of parking areas as described in Section 114-121
  - 8) **SUBSTITUTE BUILDINGS.**
    - a. **Purpose.** The purpose of this section is to promote and enhance the health, comfort, aesthetics, prosperity, and to foster quality growth in the City by limiting substitutes for principal and accessory buildings. The purpose is not to ban trailers that are being used to transport snowmobiles, sporting equipment, race cars, or other recreational vehicles.
    - b. **No Substitutes for Permanent Building.** It shall be unlawful to place, erect or maintain within the City of Mauston any shipping container, wagon, motor vehicle, semi-trailer, truck or similar conveyance as a substitute for a principal or accessory building except as provided herein.
    - c. **Lands Zoned for Residential Use.** No person, firm, or corporation shall place, erect, or maintain in the City upon any lands zoned residential or used for residential purposes, any shipping container, wagon, motor vehicle, trailer, semi-trailer, truck or similar conveyance which has not been manufactured for use exclusively for mobile recreational purposes as a substitute for an accessory building except for mobile units that contain medical diagnostic equipment used for medical facilities at location.
    - d. **Construction Sites.** The provision of this subsection shall not prevent the use of shipping containers, trailers, or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction, provided, however, in no event shall such temporary substitutes for buildings remain 30 days after cessation or completion of construction, and shall be removed in any event within 10 days after issuance of certificate of occupancy.
    - e. **Residential Districts or Uses.** Campers, tents and similar structures may be used for recreational living only. Recreational living may be allowed only after occupancy of the principal structure on the lot. This type of use shall be directly related to the occupancy of the principal structure such as family members or guests and is allowed for a duration not to exceed seven days per each occasion.

Storage containers, trucks, and similar devices may be used for a period of not more than 20 days per dwelling unit for the purpose of moving.

- f. Non-Residential Districts – Temporary Retail Sales. The provisions of this subsection shall not prevent the conducting of retail sales directly from semi- trailers or trucks for a period not to exceed 72 consecutive hours per placement and no more than 3 such placements in aggregate per address, location, or parcel in any one calendar year. Tents may be used as a substitute for the principal building when erected in accordance with applicable state and local codes. A tent may be used for the conducting of retail sales for a period not to exceed 21 days in each calendar year. Trucks, storage containers, and similar structures may be used as an accessory to the principal structure on the lot. These may be used up to two times per year for a duration of sixty days per each duration. A building permit is required before placement of such conveyances on the lot. Temporary garden centers are allowed during the growing season as an accessory to the principal structure.

#### **Sec. 114-34. Nonconforming uses, structures, and lots**

(a) EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land or water existing at the time of adoption of this ordinance may be continued although the use does not conform with the provisions of this ordinance. However:

1. Only that portion of the land, structure or water in actual use may be so continued and the structure or use may not be extended, altered, enlarged, reconstructed, substituted, moved or structurally altered, except so as to comply with the provisions of this ordinance.
2. Total lifetime structural repairs or alterations to a structure dedicated to a nonconforming use shall not exceed 50% of the equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the provisions of this ordinance.
3. If such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the structure, land, or water shall conform to the provisions of this ordinance. When a nonconforming use or structure dedicated to such nonconforming use is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, it shall not be restored except so as to comply with the provisions of this ordinance.
4. Notwithstanding the above, for properties in the City of Mauston, a specified or conditional use in the SR, MH, and MF districts that is nonconforming because it is located on lands which do not conform to the regulations of the district in which said lands are located, may be rebuilt if such reconstruction is identical in building area and use to the original structure and the reconstruction is completed within one year of the damage occurring.
5. Notwithstanding the above, a structure located in the CB Central Business District that has a non-conforming residential use, including residential use of the ground floor, and that is damaged or destroyed by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time



such event occurred, may be rebuilt for the same use if such reconstruction meets the following conditions:

- a. A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe.
- b. The reconstruction will not increase any dimensional nonconformity of the building or structure, except as may be necessitated by compliance with Section 22.12(a)(5)(c) below.
- c. The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.

(b) EXISTING NONCONFORMING STRUCTURES

1. Any lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size and/or location does not conform to the lot width, area, yard, height, parking, loading, and access provisions of this ordinance.
2. Existing nonconforming structures shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or so as to comply with the provisions of this ordinance.
3. Notwithstanding the above, an existing nonconforming principal structure in the SR, MH, and MF districts which is used for any specified or conditional use, may be extended, reconstructed, moved, or structurally altered, but only if such change does not result in an increase to the nonconforming nature of the structure. No such change may increase the parking requirements for the use unless on-site parking spaces can be provided in accordance with Section 114-159.
4. When a nonconforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, or infestation it may be reconstructed if such change does not result in an increase to the nonconforming nature of the structure.

(c) CHANGES AND SUBSTITUTIONS

1. Once a nonconforming structure or use has been changed to conform with this ordinance it shall not revert back to a nonconforming use or structure.
2. Except for bringing a use into conformance, any substitution of an existing nonconforming use must first be approved by the Board of Appeals. The Board of Appeals may only approve substituting an existing nonconforming use with an equal or more restrictive nonconforming use. Should the Board of Appeals permit the substitution of a more restrictive nonconforming use, the substituted use shall remain a nonconforming use, subject to the requirements of this Section. The Board of Appeals may impose conditions upon the substituted use to ensure that any impacts to the surrounding area will be minimized.

(d) SUBSTANDARD LOTS

1. In any residential district a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the County Register of Deeds' Office before the effective date of adoption or amendment of this ordinance.

2. Such lots and parcels shall comply with all of the District requirements insofar as practical, but such lots and parcels shall not be less than the following:
- Lot Width: 40 feet
  - Lot Area: 4,000 square feet
  - Yards: Street: 25 feet; the side street yard on corner lots shall be a minimum of 10 feet
  - Rear: 25 feet
  - Sides: 8% of the lot width and not less than 5 feet

**Sec. 114-35. Specific standards.**

(a) Specific Standards

- 1) In order to ensure that the intent of this Ordinance is met and that certain uses are developed in a manner which is consistent with the purpose of this Chapter, the following Specific Standards are adopted for the uses listed in this section.
- 2) Whenever any use listed in this section is requested to be established as a specified use or a conditional use, the applicant requesting such use shall provide to the Zoning Administrator information adequate to show that the specific standards for that use are met, such as a site plan and/or other documentation. These materials shall be in addition to any required documentation as specified in Section 114-122.

(b) CUSTOMARY HOME OCCUPATIONS. Home occupations are an accessory use in all residential districts and are subject to the requirements of the district in which the use is located. In addition, the following regulations apply to all home occupations:

- 1) Home occupations shall be conducted only within the enclosed area of the dwelling unit or the garage. No more than 25 percent of a principal structure or 75 percent of an accessory structure may be dedicated to a home occupation. No accessory building may be built, altered, or used primarily for use in the home occupation.
- 2) There shall be no exterior alterations which change the character of the dwelling and there shall be no exterior evidence of a home occupation other than a sign as permitted below.
- 3) No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible outside any structure located on the premises.
- 4) No stock in trade may be displayed or sold at retail on the premises.
- 5) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference, excess trash, or any nuisance not normally associated with the usual residential use in the district.
- 6) Only one wall sign of four (4) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as a Conditional Use.
- 7) A home occupation shall be clearly incidental to the principal residential use of the building.
- 8) Stock in trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods, and supplies other than by United States

Mail, similar parcel delivery service, or by private vehicle similar in size and weight to the U.S. Mail/other parcel delivery service vehicles.

- 9) No other person other than members of the family occupying the residence may be employed in the home occupation.

(c) INTENSIVE HOME OCCUPATIONS. Intensive home occupations are a conditional use in all residential districts. They are subject to all the requirements for a Home Occupation, except as modified by and in addition to the requirements below:

- 1) Only one other person other than members of the family occupying the residence may be employed in the home occupation.
- 2) Only one wall sign of four (4) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as part of the Conditional Use approval.
- 3) Parking shall be restricted to existing parking spaces on the premises and on-street parking spaces adjacent to the premises.
- 4) The applicant shall state on the application the expected number of vehicles per day accessing the property related to the business. The Plan Commission and Common Council may limit the number of vehicles per day accessing the business.
- 5) The applicant shall state on the application the hours of operation of the business. The Plan Commission and Common Council may limit the hours of operation to maintain the residential character of the neighborhood.
- 6) Retail sales of goods created or fabricated by the family residing on the premises (other than produce grown on the property) is permitted only as an Intensive Home Occupation, subject to all other requirements of the Conditional Use Permit.

(d) PROFESSIONAL OFFICES (SR DISTRICTS). Professional offices are a conditional use in the SR residential district and are subject to the requirements of that district in which the use is located. In addition, the following regulations apply to all professional offices in the SR District.

- 1) Not more than one-half of the overall floor area of the building, excluding porches, patios and garages may be occupied by the office. The remaining floor space shall be used as for residential purposes and need not be the residence of the person maintaining the office.
- 2) No more than one separate and distinct business operation shall be allowed in any building in a residential district.
- 3) The number of employees permitted and parking requirements shall be determined by the Plan Commission, with approval of the Common Council.
- 4) No sign identifying a professional office in a residential zoning district shall be illuminated. Only one non-illuminated wall sign of 4 square feet or less shall be permitted. A larger building sign or freestanding sign may be approved as a part of the Conditional Use approval.

(e) HOME-BASED PROFESSIONAL OFFICES. Home-based professional offices are a Conditional Use in the SR district, and are subject to the following regulations:

- 1) A home-based professional office may only be located within the residence of a Doctor of Medicine, dentist, clergy person, architect, landscape architect,

- professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, or other recognized professional.
- 2) The home-based professional office may not exceed one-half (1/2) of the area of only one floor within the residence.
  - 3) No more than one (1) non-resident person may be employed.
  - 4) The home-based professional office must be operated so that utilization of available on- and off-street parking spaces does not cause congestion or traffic visibility problems.
- (f) BED AND BREAKFAST ESTABLISHMENTS.
- 1) For an existing structure which is proposed to be converted to a bed and breakfast establishment, all dimensional requirements of the zoning district are waived.
  - 2) Required off-street parking areas and access drives shall be hard surfaced and dust free.
  - 3) Bed and Breakfast establishments shall conform to all state requirements.
  - 4) Signs:
    - a. One wall sign shall be permitted, which shall not exceed four (4) square feet in area.
    - b. The sign shall be attached to the building in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as a Conditional Use.
- (g) FUEL TANKS AND FUEL DISPENSING EQUIPMENT.
- 2) Fuel pumps and above-ground fuel tanks used for or intended for use as dispensing equipment for motor vehicle fuel are prohibited in residential districts. In other districts any such equipment shall be located a minimum of 30 feet from any lot line.
- (a) DRIVE-THROUGH FACILITIES.
- 1) Vehicle Stacking Requirements. Drive-through facilities shall be designed so that vehicles are not required to stack on the public right-of-way. Further, drive-through facilities shall provide the following minimum stacking spaces on the site:
    - a. Drive-through Restaurant Facilities: a minimum of five vehicle stacking spaces (including the vehicle at the first service window).
    - b. All other drive-through facilities: a minimum of two vehicle stacking spaces (including the vehicle at the first service window).
  - 2) Any amplified audio equipment shall be located a minimum of 30 feet from any lot line abutting a residential district.
- (b) VEHICLE WASHING FACILITIES.
- 1) There shall be no less than three vehicle stacking spaces per bay, not including the bay itself. The site shall be designed so that all stacking is on the site and no vehicles are required to stack on the public right-of-way.
  - 2) The facility shall be designed so that any runoff is contained on the site. Provisions shall be made to contain water dripping from vehicles to the greatest degree possible.

(c) **OUTDOOR EATING OR DRINKING AREAS OR BEER GARDENS.** Outdoor eating or drinking areas or beer gardens must be located on the same property as an approved indoor establishment and shall be subject to the following requirements:

- 1) The outdoor eating and drinking facility shall be operated and maintained by the same person or entity that operates and maintains the related indoor establishment.
- 2) All outdoor loudspeakers shall be oriented away from any abutting residential uses. All outdoor music or entertainment shall cease by 10:30 p.m. on Sunday through Thursday, and by 11:30 p.m. on Friday and Saturday, or earlier as specified in the Conditional Use Permit approval.
- 3) All necessary amendments to the liquor license regarding the description of the area of the licensed premises shall be approved prior to the service of alcohol in the outdoor area.
- 4) Adequate trash receptacles shall be provided, and the outdoor dining area shall be kept clean and free of debris.
- 5) The outdoor seating area shall not obstruct any fire exit, fire escape, or other required means of ingress or egress.
- 6) The outdoor dining area, and all related activities, shall remain within the property boundaries. Requirements for fencing or providing another type of enclosure may be included as part of a Conditional Use Permit.
- 7) The business owner shall be responsible for enforcing the provisions of this ordinance.

#### **Sec. 114-36. Design Review**

(d) **PURPOSE AND INTENT.** Pursuant to the authority of Wis. Stats. § 62.23(3), the purpose of this chapter is to establish requirements to guide and coordinate commercial development within the community. Specifically, the standards established by this Chapter are to ensure that commercial development is compatible with surrounding land uses, contributes to the unique character and aesthetics of the City of Mauston, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.

(e) **APPLICABILITY.**

- 1) **New Construction.** The following design standards and conditional use permit requirement for large developments shall apply to new buildings and uses in the City that are located within the CB and PB districts, and to non-residential buildings in the NB and GB zoning district. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
- 2) **Existing Buildings.** Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
  - a. All building additions located between the existing building and the street must comply with the architectural standards of this section.
  - b. Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping, sidewalk, and site design standards in this section.
- 3) **Large Commercial Developments.**

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- a. All new commercial establishments whose gross enclosed floor areas are equal to or greater than one hundred twenty five thousand (125,000) square feet shall be required to apply for and receive a conditional use permit from the Common Council, which shall apply the standards of Section 22.13 of the Municipal Code, in addition to those set forth herein, in determining whether or not to grant such a permit. A separate conditional use permit is not required where such buildings are part of an approved Planned Unit Development.
  - b. All additions to existing commercial buildings built either before or after the adoption of this section, which bring the total enclosed gross floor area of the building equal to or over 125,000 square feet shall also require a conditional use permit and become subject to the requirements of this section.
  - c. When considering a conditional use permit application under this section, the Plan Commission or Council may require that additional information be submitted for review, which may include, but not be limited to, the following:
    - i. A completed transportation and traffic impact analysis in a format acceptable to the State of Wisconsin District 1 and the City Engineer.
    - ii. A detailed fiscal impact analysis, which will determine the impacts on City services, utilities and facilities, and determine the ability of the City to provide the needed public services and facilities to adequately serve the proposed development. Public services reviewed may include, but not be limited to, water, sanitary sewer, storm sewer, streets, sidewalks, traffic control, fire, EMS, and police protection.
    - iii. If determined necessary by the Council, the applicant shall provide adequate funding to the City to hire a consultant, selected by the Council, that has appropriate experience to complete and present the above desired studies, or review the analysis completed by the developer. If a consultant is hired by the Council, the competitive bidding requirements of the City shall apply, however, the total cost to the applicant for the City's consultant costs shall not exceed one hundred dollars (\$100) per one thousand (1000) square feet of gross enclosed floor area of the proposed building.
  - d. The Plan Commission and/or Council may use the results of any studies or analysis to help evaluate whether a project should be approved, denied, or approved with conditions which are intended to help mitigate potential adverse impacts to the community, neighborhood, infrastructure or City services.
  - e. Any impact assessment/study that is required, as part of a Conditional Use Permit approval for a large commercial development, shall assess the following areas of potential impact:
    - i. Traffic Impact. a. Existing Traffic Conditions: Average daily and peak hour volumes, sight distances, street capacity, level of service, physical characteristics of the streets, number and location of driveways and intersections, average and peak speeds, accident data, pedestrian movement, and public transportation and traffic controls for streets and intersections adjacent to the project and for streets and intersections which will experience a 10% increase in peak hour traffic as a result of the project or which will experience a reduction in the level of service as a result of the project, and for failing streets and intersections which will experience an increase in traffic as required by the Council.
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1. Projected Traffic Conditions: Average daily and peak hour traffic projections and directional distribution of site generated traffic, sight distances at proposed driveway intersections with streets, on-site traffic circulation and parking layout, pedestrian movement and background traffic conditions for the design year including any planned roadway/traffic improvements and other proposed projects in the vicinity of the site.
  2. Projected Traffic Impact: Evaluate how the proposed project will affect traffic conditions on streets and intersections adjacent to and those likely to be affected by the proposed project including level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian movement, and public transportation.
- ii. Impact to Municipal Utilities/Services. a. Water Supply: Describe the proposed water supply system including average daily and peak water demand; location, sizing, and accessibility to municipal water mains; and water pressure and flows available at the site. Evaluate the capacity of the City's water supply and distribution system to adequately service the projected water and fire flow needs of the project; the need for pumping stations, standpipes, or improvements to the water system required to service the project. Estimate the cost and discuss the responsibility for construction of improvements and on-going maintenance.
1. Sewage Disposal: Describe the proposed sewage disposal system including average daily and peak wastewater discharges to the municipal sewer system; composition and concentration of wastewater; location, sizing, and pumping stations, forced mains or other system improvements required to adequately service the project. Evaluate the capacity of the sewage treatment plant and the sewerage system to accommodate the wastewater flows. Estimate the cost and discuss the responsibility for construction of system improvements and on-going maintenance.
  2. Storm Sewers: Describe the proposed surface drainage system including pre and post runoff calculations; the location, sizing, accessibility, and proposed discharges to the municipal storm system. Evaluate the capacity of the existing storm sewers to accommodate projected storm water runoff. Estimate the cost and discuss the responsibility for construction of storm sewer improvements and on-going maintenance.
  3. Emergency Services: Describe the anticipated fire and police protection needs including time and demand on municipal personnel; provision for alarms or warning devices; on-site fire-fighting and security capabilities; need for increased municipal personnel or equipment. Estimate the cost and discuss the responsibility for providing emergency protection to the project.
- iii. Fiscal Impact. a. Evaluate the projected costs and benefits to the community resulting from the project including: Projected costs arising from increased demand for and required improvements to public services and infrastructure; Value of improvements to public services and infrastructure to be provided by the project; Projected tax revenues to be generated by the project; Projected impact of the project on surrounding

land values and any potential loss or increase in tax revenues to the City;  
Short-term and long-term projection of increased City revenues and costs  
resulting from the proposed project.

- f. The Plan Commission and Council shall consider the following standards when reviewing the results of the required impact assessment/study:
  - i. Traffic Impact Standards.
    1. a. The Level of Service (LOS) of all streets and intersections evaluated under this Ordinance shall not be reduced below a level determined acceptable by the City Engineer.
    2. The design goal for all streets, signalized intersections, and turning movements at unsignalized intersections shall be LOS C or better. For streets and intersections currently functioning at LOC C or better, mitigation measures shall be provided to maintain or improve the existing LOS, if reasonably possible. Where the existing LOS is D, mitigation measures shall at a minimum, maintain the existing conditions or upgrade the LOS to C or better.
    3. For all streets and intersections that are currently failing (LOS E or worse), the goal of mitigation measures is to provide a LOS D or better. At a minimum, existing conditions at failing streets and intersecting shall not be further degraded as a result of the project.
    4. Driveways shall be located to limit conflict points with existing driveways and intersections and shall meet intersection design standards for secondary roads required in the Chapter 21, the Subdivision Regulations.
    5. Shared driveways and service roads shall be used to control access onto existing streets.
    6. The impact of increased turning movements shall be mitigated.
    7. The project shall be sited and driveways located to prevent routing of non-residential traffic to and through residential streets.
    8. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.
  - ii. Municipal Utilities/Services Impact Standards.
    - a. The public water, sewer, and drainage systems in the vicinity of the site shall be adequate to serve the proposed project. If public utilities are not adequate to serve the project, the reviewing authority may require, as a condition of approval, off-site improvements to increase the capacity of such utilities sufficient to serve the project.
      1. All utilities shall be placed under ground where physically feasible.
      2. Discharges to the sewage treatment plant will need to be pretreated if required by the Water and Sewer Commission to prevent overloading of the treatment plant.
      3. On-site storm water management measures shall be required to ensure that the rate of runoff from the site to the municipal storm sewer is not increased. Provision shall be made for on-going maintenance of on-site storm water management facilities connected to the public storm drain.
      4. Municipal police and fire services shall not be strained by the proposed project. Adequate fire flows shall be available at the site. Improvements to the water system may be required to



provide adequate service or on-site alternatives owned and maintained by the landowner may be required.

5. The project shall not cause erosion, flooding, sedimentation, or increase the rate of runoff from the site. Provision shall be made for attenuation of runoff pollutants. Groundwater recharge shall be provided where the City deems it important.
- iii. Fiscal Impact Standards. a. The proposed project shall not have a significant adverse impact on the City in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income. The Council may require phasing of the project to minimize negative fiscal impacts to the City over the short term.
  1. The project shall be designed to minimize any negative impacts to adjoining property values.
  2. The applicant may be required to demonstrate the financial ability to complete the project and to achieve long-term financial stability.
- iv. The Common Council shall, within ninety (90) days from the date of initial review by the Plan Commission, either approve, conditionally approve or deny the Conditional Use Permit request.
- g. Exceptions. This section shall not apply to the following:
  - i. Restoration of buildings or landscapes with a historic designation or developments located within the Main Street Commercial Historic District.
  - ii. Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.
  - iii. For developments equal to or over 125,000 square feet, the Council may grant waivers to the standards of this section under the following circumstances.
    1. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner or developer of the property; or
    2. The proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
    3. Granting of the waiver would not impose significantly more negative impacts on nearby properties.

(c) ARCHITECTURAL STANDARDS.

- 1) Building Design. Buildings should provide visual interest, identity, character and scale by providing the following:
  - a. Building Width and Façade.
    - i. Façades greater than one hundred (100) feet in length, and visible from a public street, shall incorporate wall plan projections or recesses having a depth of at least six (6) feet and extending at least twenty (20) percent of the length of the façade.
    - ii. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
    - iii. Ground floor façades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by

- columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.
- iv. Building façades over one hundred (100) feet in length and facing a street shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv). expression of architectural or structural bay through a change in plane no less than twenty-four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
  - v. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and when possible, should be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.
- b. Loading and Mechanical Facilities.
- i. The preferred location for loading and staging areas is on the side or rear of the building, and the following conditions shall be met for all loading areas:
    - 1. All loading areas that are visible from the street, or that are facing a residential property, shall be screened with landscaping and/or walls. If screening is provided with landscaping, then the additional landscaping must add the required number of points for each loading dock according to Section F. If the delivery/loading operations are screened by walls, then the walls shall be not less than six feet in height, and constructed of the same materials as are used in the principal structure, or other suitable material as determined by the Zoning Administrator.
    - 2. If permitted by the Zoning Administrator, street side loading shall be allowed provided the loading dock is set back a minimum of sixty (60) feet from the street right-of-way line, and at least ten (10) feet further back than the front façade. No loading dock shall be located so as to make it necessary for vehicles to be within the street right-of-way during loading and unloading operations.
  - ii. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.
- c. Roof Treatment.
- i. Roofs shall have no less than two (2) of the following features:
    - 1. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one third (1/3) of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.

2. Overhanging eaves, extending no less than three feet past the supporting walls.
3. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every one foot of horizontal run.
4. Three or more roof slope planes.
- ii. Buildings façades over one hundred (100) feet in length and facing a street shall have a minimum of twenty percent (20%) of all of the combined linear roof eave or parapet lines of the structure employ differences in height, with such differences being four (4) feet or more as measured eave to eave or parapet to parapet.
- d. Building Materials. To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:
  - i. The preferred building materials for exterior walls facing streets are brick, decorative masonry block, stone, wood and/or stone aggregates. Exterior Insulated Finish Systems (EIFS) or equivalent exterior finish may also be used, but preferably will not exceed a coverage of more than fifty percent (50%) of the wall elevation. Unfaced concrete block, structural concrete, prefabricated metal siding, and the like are discouraged from such façade areas. Other materials may be used for trim and/or architectural details, but these materials should not cover more than ten percent (10%) of the façade.
  - ii. Surface coverings on flat or low-slope roofs that are visible from a public street shall be of material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
  - iii. If building materials other than preferred materials are used on the building façade(s) facing a street, then additional landscaping is required between the building and the street right-of-way. The additional landscaping must add the required number of points for the linear frontage of the building according to Section F.

(d) PARKING DESIGN.

1. The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section F below.
2. Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
3. Whenever possible, provisions should be made to allow direct vehicular circulation between adjacent parcels. This can be accomplished through the use of access easements and driveways connecting parking lots and access drives.
4. All parking areas of five (5) or more vehicles shall be paved and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.

(e) OUTDOOR STORAGE AND SCREENING.

1. The preferred location for the outdoor storage of products, materials or equipment is within the side or rear building yards. If these functions are provided in the street yard, then additional landscaping is required between the outdoor storage area and the street following the standards of Section F. This restriction does not apply to short-term display items or items that are available for purchase by the consumer.
  2. All outdoor refuse collection areas shall be visually screened from public streets and adjacent property by a complete opaque screen, fence or wall.
  3. The exterior storage of boats, campers, and other materials or products not associated with the permitted use of the premises on which they are located is not permitted.
- (f) LANDSCAPING AND GREENSPACE.
1. All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.
  2. Where the development adjoins a residential property, at a minimum, a ten (10) foot landscape buffer is required between any parking area, loading area, refuse collection area, or outside storage area and the residential lot line. The landscape buffer area shall include plantings to meet the point as required by this section, and a berm, solid fence, or wall at least five (5) feet tall. Temporary outdoor storage consisting of semi-trailers does not require a solid fence or wall, but it shall meet the landscape requirements. The placement of semi-trailers and other storage containers shall be transitory in nature and they shall not be used for permanent or long-term storage.
  3. All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
  4. Minimum Requirements. All developments are required to have a minimum quantity of landscaping based on the size of the parcel, structure, and parking lot according to Schedule 1:
    - i. One (1) canopy tree is required for each one hundred feet (100') of lot frontage and should be located along the street frontage of the property, or between the building and the street.
    - ii. A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one-thousand (1,000) square feet of enclosed ground floor building area. Buildings over 25,000 square feet in area shall be required to accumulate ten (10) points for each one-thousand (1,000) square feet for the first 25,000 square feet, and five (5) points for each one-thousand (1000) square feet of additional building area. The required landscaping should be located between the building and the street, or between the building and any residential properties, unless another location is agreed to by the Zoning Administrator.
    - iii. A combination of landscaping to equal five (5) points per parking space for parking areas that contain up to fifty (50) parking spaces, and two and one-half (2.5) points per space for additional spaces over fifty (50).

### **Schedule 1**

|                                       |                                       |               |
|---------------------------------------|---------------------------------------|---------------|
| Point Schedule for Landscape Elements |                                       |               |
| <b>Landscape Elements</b>             | <b>Minimum Plant Size (installed)</b> | <b>Points</b> |
| Canopy Trees                          | 2 1/2" diameter min. caliper          | <b>50</b>     |
| Canopy Trees                          | Under 2 1/2" diameter caliper         | <b>30</b>     |
| <b>Evergreen Trees</b>                | 4 feet and larger                     | <b>30</b>     |
| <b>Low Ornamental Trees</b>           | 5 feet and BB stock                   | <b>20</b>     |
| <b>Tall Shrubs</b>                    | 36 and taller                         | <b>15</b>     |
| <b>Medium Shrubs</b>                  | 24 to 36                              | <b>10</b>     |
| <b>Low Shrubs</b>                     | 12 to 24                              | <b>5</b>      |

5. Additional Requirements. Additional landscaping may be required for developments that do not meet the preferred goals for building design, building materials and site layout, or as required as part of a Conditional Use Permit. The extra landscaping shall be calculated based on Schedule 1 and the following requirements:
- A combination of landscaping to equal five (5) points for each ten (10) feet of building frontage, for buildings that do not utilize the preferred materials on the street façade, which should be located between the building and the street.
  - A combination of landscaping to equal two hundred (200) points for each loading dock located on the front of the building, visible from the street, or facing a residential property. The landscaping shall be located between the loading dock and the street, or the loading dock and the residential property.
  - A combination of landscaping to equal twenty (20) points for each ten (10) feet of perimeter around an outside storage area, including parking areas for semi-trailers, and refuse enclosures.  
A combination of landscaping to equal two and on-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of residential parcels. The required landscaping should be located between the parking area and the street, or between the parking area and the residential parcel.
6. The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

|                |  |
|----------------|--|
| Existing Trees | Number of Trees Credited<br>(2 1/2" caliper) |
| 36" or greater | 8 trees                                      |
| 18-35"         | 6 trees                                      |
| 12-17"         | 4 trees                                      |
| 6-11"          | 2 trees                                      |
| Less than 6"   | 1 tree                                       |

7. The landscaping point requirements do not apply to parking spaces that utilize "turf-based" surface materials, such as Geoblock or Grasspave.
  8. A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, plan commission, or the common council, including but not limited to the following.
    - i. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing, and the scientific and common names of all landscape materials used.
    - ii. The size of existing trees shall be provided.
    - iii. The location and percent of slope of all proposed berms using one foot contours.
    - iv. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
- (g) Lighting and Utilities.
1. Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness. Design limits and intensity requirements may be placed on large establishments as a condition of a Conditional Use Permit.
  2. Parking and security lighting poles shall not be taller than the maximum allowable building height allowed in the underlying zoning district for the property, or 35 feet, whichever is less.
  3. All exterior lighting shall be of full cutoff design, or shielded and positioned at a ninety-degree (90o) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator or the Council.
  4. On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.
- (h) Natural Resources Protection. Each project shall meet the erosion control and storm water management standards of the City of Mauston and the Wisconsin Department of Natural Resources. Maintenance of any storm water detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.
- (i) Sidewalks and Bike Paths. Each project involving new and expanded buildings shall include the installation of sidewalks within the public right-of-way along the frontage of the property, which shall be installed by and at the expense of the developer/property owner. The Council may provide exceptions to this requirement as further provided below. If sidewalks are not required to be installed as part of the project, the Common Council maintains the right to construct sidewalks at a future date and assess the owner(s) of the adjacent land for the costs thereof.
1. Sidewalk Installation Exceptions. In situations where the installation of sidewalks would be significantly more difficult due to a physical characteristic of the proposed sidewalk location, an appeal may be made for an exception to the

sidewalk installation requirements. Application for an exception shall be made on a form provided by the City and shall be accompanied by the applicable fee. The request shall be submitted to the Director of Public Works and shall be accompanied by an explanation of the characteristics present that impact the ability to install the sidewalk, and a cost estimate of the proposed installation. The Director of Public Works shall present the request to the Commission for input, and then make a recommendation to the Common Council. The Council shall determine if the sidewalk shall be installed. The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.

- i. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.
    - ii. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
    - iii. The area is not identified as a Tier 1, 2, or 3 priority area on the most current Sidewalk Plan and Map.
  2. The Common Council, after receiving input from the Director of Public Works, the and the Plan Commission, may take the following action:
    - i. Deny the exception and require sidewalks to be installed.
    - ii. Allow the sidewalks to be installed on one side of the street only.
    - iii. Approve the exception.
    - iv. Allow for a delayed sidewalk installation as part of a development agreement.
    - v. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the project.
  3. If an exception is approved, the developer/property owner shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.
  4. Bike paths may be required to be installed on the property as part of a Conditional Use Permit approval. If installation of bike paths is required, the developer shall grant to the City such easements as would be reasonably necessary to allow construction and use of the bike path and pay for the costs of installation according to specifications required by the City.
- (j) Vacation and Maintenance of Buildings. As part of the Conditional Use Permit approval for a Large Commercial Development, the developer may be required to enter into an agreement with the City that would require action to minimize the negative impacts that may come from vacating an existing building located in the City, or vacating the proposed development at a future date. Such agreement may include, but not be limited to the following requirements:
1. Marketing the existing or new building. If a developer chooses to vacate an existing building and property located in the City and/or a new building, the developer agrees to cooperate with the City in marketing the building, as appropriate, including but not limited to preparing and distributing marketing material for the same and marketing to local and national retailers and commercial developers.
    - i. The developer agrees to provide periodic written reports to the City regarding the status of the marketing of the property upon written request by the City.

- ii. The developer may divide or reconfigure the property, as appropriate, to accommodate an adaptive re-use, in order to meet the needs of future tenants; however, other arrangements may be negotiated with tenants, depending upon the nature of the tenants lease requirements.
  - iii. The developer agrees that if it chooses to sell or otherwise lease the property to an unaffiliated entity, that it will install at least one (1) professionally designed sign, consistent with local sign ordinances, not to exceed thirty-two (32) square feet in area, which shall be installed at the front of the property, as appropriate, which provides the contact information of the person or agency handling the sale and/or lease of the property, and includes a statement that the property is available for sale and/or lease.
  - iv. Should a tenant of the developer vacate the property, the developer agrees that it will undertake the same measures referenced above to secure additional tenants and/or purchasers for the property, as appropriate and the developer shall continue these activities during the primary term of a lease, or any renewals by the any tenants thereof.
2. Property Maintenance. The developer, through its employees, contractors or agents, agrees to maintain and keep the existing building and/or the new building exterior, landscaping, parking lots and other site improvements in a safe, well-kept manner.
- i. The developer shall exercise reasonable care to prevent trash, garbage, litter or other refuse from accumulating on the existing parcel and/or the new building. "Reasonable care" as this term is defined in this subsection shall include but not be limited to inspecting the existing parcel and/or the new building at least weekly, and at such time removing trash, garbage, litter or other refuse that may have accumulated.
  - ii. The developer shall exercise reasonable care to maintain the vegetation, trees, shrubs, sod and other landscaping as may exist on the existing parcel and/or the new building at the time such store building is vacated. "Reasonable care" in this subsection shall include watering, fertilizing, trimming, mowing and replacing dead vegetation, trees, shrubs, sod and other landscaping.
  - iii. The developer shall exercise reasonable care to keep the existing parcel building and/or the new building, parking lot and other related improvements and fixtures in a condition substantially similar to the condition as existed on the date such store building was vacated. "Reasonable care" shall include but not be limited to, painting the exterior of such building, replacing damaged or worn exterior façade building materials, and sealing and resurfacing the parking lot, all as may be necessary from time to time.

#### **Sec. 114-37. Multi-Family Design Review**

- (a) PURPOSE AND INTENT. Pursuant to the authority of Section 62.23(3), Wisconsin Statutes, the purpose of this Chapter is to establish requirements to guide and coordinate multi-family development within the community. Specifically, the standards established by this Chapter are to ensure that multi-family development is compatible with surrounding land



uses, contributes to the unique character and aesthetics of the City of Mauston, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.

(b) APPLICABILITY.

- a. New Construction. The following design standards shall apply to new residential buildings in the City that contain three (3) or more housing units, or existing buildings in which the exterior volume of the building is enlarged to provide additional housing unit(s), and the resulting building contains three (3) or more housing units. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
- b. Existing Buildings. Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
  - i. All building additions located between the existing building and the street must comply with the architectural standards of this section.
  - ii. Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping and site design standards in this section.
- c. Exceptions. This section shall not apply to the following:
  - i. Restoration of buildings or landscapes with a historic designation.
  - ii. Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.

(c) ARCHITECTURAL STANDARDS.

- a. Building Location and Orientation. Multi-family developments shall meet the following standards:
  - i. Buildings and site layouts shall meet the prescribed building and fire code requirements.
  - ii. Developments that have multiple residential buildings on a site shall have a minimum separation of twenty (20) feet between the buildings. When the building separation is less than thirty (30) feet, the buildings should be oriented in a manner that does not align windows on one building with windows on another.
  - iii. No detached parking garage may be located within twenty (20) feet of a residential structure and may not be located in the street yard.
  - iv. Garbage and refuse enclosures shall be located in the side or rear yard and shall be screened from public streets and adjacent property by an opaque screen, fence, or wall at least five (5) feet tall.
- b. Building Design. New multi-family construction shall comply with the following building form standards:
  - i. Structures that have one or two stories (levels) shall not have a continuous horizontal distance exceeding one hundred sixty (160) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet. Structures that have three or greater stories (levels) shall not have a continuous horizontal distance

- exceeding one hundred twenty (120) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet.
- ii. Roofs shall have gable, hip, or gambrel forms (minimum pitch 3 to 12) with at least a 6-inch overhang.
  - iii. No uninterrupted roof plane shall extend for more than sixty (60) feet, as measured at the roof eave, without a change in roof elevation, roof slope, or other design feature.
  - iv. A minimum of fifteen percent (15%) of the area of a façade facing a street shall consist of windows or doors. Plans should show the street façade area and window/door measurements and demonstrate on the plan that the fifteen percent (15%) standard has been met.
  - v. Garages attached to living units that have garage doors facing the street shall not extend more than four (4) feet in front of the main façade(3) of a dwelling structure.
  - vi. Garage doors of attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family building's street façade(s), and every two (2) single-bay garage doors or every double garage door shall be offset by at least four (4) feet from the plane of an adjacent garage door(s).
  - vii. Building entrances shall be designed in a manner that provides a safe, inviting environment, and shall not create dark, hidden spaces. Each building entry shall be visible from the street, from a parking area, or from a window of a unit within the building. Entrance doors that provide access to common areas in the building shall be locked to prevent uninvited access to the general public. Access shall be provided only to the tenants of the building and the building owner or manager.
  - viii. At least one building entrance shall face the street or the main parking area.
  - ix. Building entrances shall be clearly defined and highly visible on the building's exterior design, and when possible, should be emphasized by on-site traffic flow patterns. The front entry shall include some form of entry feature, such as a porch, portico, peaked roof form, or other distinct architectural feature.
  - x. Building elevations facing a street (facades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every thirty (30) feet, and on each floor shall contain a minimum of two (2) of the following features:
    - 1. Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of three (3) feet;
    - 2. Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of two (2) feet and minimum width of four (4) feet; and/or
    - 3. Offsets or breaks in roof elevation (height) of two (2) feet or greater in height.
- c. Building Materials. To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:

- i. Allowable building materials for exterior walls facing streets and facades facing a property zoned R-1, or a property zoned R-2 and used as a single-family residence, are brick, decorative masonry block, stone and/or stone aggregates, wood, vinyl, EIFS or equivalent exterior finish. Unfaced concrete block, structural concrete, pre-fabricated metal siding, and the like are not permitted on such façade areas.
  - ii. A minimum of twenty five percent (25%) of the total net exterior wall area of the street façade(s) of the building, excluding gables, windows, doors and related trim, shall be brick, stone, or decorative masonry block.
  - iii. Surface coverings on flat or low-slope roofs that are visible from a public street shall be of a material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
- d. SITE DESIGN STANDARDS.
  - i. Open Space. New multi-family construction shall comply with the following open space standards:
    - 1. The area of the property that is covered by buildings, driveways and parking areas shall not exceed seventy percent (70%) of the total property area.
    - 2. A minimum of five percent (5%) of the property area shall be maintained as common open space for active and passive recreational use by residents. Parkland dedicated to the City as part of the development shall count toward this requirement.
    - 3. Common open space areas provided to comply with this ordinance shall have no horizontal dimension less than twenty feet (20').
    - 4. Areas used for stormwater detention, and areas with slopes over twenty percent (20%) will not be counted toward the minimum common space area. Patios, basketball courts, and other similar structures may be located in the required area, but non-recreational structures are not permitted in this common space.
  - ii. Parking and Vehicular Access. Multi-family developments shall provide parking design in accordance with the following standards:
    - 1. The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section iii below.
    - 2. Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
    - 3. All parking areas of five (5) or more vehicles shall be hard surfaced and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.

4. No driveway, parking stall or paved vehicular surface may be located within five (5) feet of any property line.
  5. A minimum five (5) foot wide planter area shall separate and visually screen parking from living area windows. The planter area shall include a mix of ground cover and shrubbery.
  6. All parking stalls fronting a sidewalk, or planted area shall be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of two (2) feet to allow for vehicle encroachment. As an option, the sidewalk or planter may be protected by a curb not less than 6 inches in height.
- iii. Pedestrian Circulation and Access.
1. Internal Sidewalks. Multi-family developments shall provide pedestrian circulation in accordance with the following standards:
    - a. Internal sidewalks shall be provided to connect all abutting streets to primary building entrances and shall connect the dwelling units to parking areas and abutting public sidewalks and pedestrian trails (if available).
    - b. Internal sidewalks shall be separated a minimum of five (5) feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.
    - c. Internal sidewalks shall be at least four (4) feet wide and shall have a surface of concrete, asphalt or masonry pavers.
  2. Public Sidewalk. Each project involving new and expanded buildings shall include the installation of sidewalks within the public right-of-way along the frontage of the property, which shall be installed by and at the expense of the developer/property owner. The Council may provide exceptions to this requirement as further provided below. If sidewalks are not required to be installed as part of the project, the City maintains the right to construct sidewalks at a future date and assess the owner(s) of the adjacent land for the costs thereof.
    - a. Sidewalk Installation Exceptions. In situations where the installation of sidewalks would be significantly more difficult due to a physical characteristic of the proposed sidewalk location, an appeal may be made for an exception to the sidewalk installation requirements. Application for an exception shall be made on a form provided by the City and shall be accompanied by the applicable fee. The request shall be submitted to the Director of Public Works and shall be accompanied by an explanation of the characteristics present that impact the ability to install the sidewalk, and a cost estimate of the proposed installation. The Director of Public Works shall present the request to the Plan Commission for input, and then make a recommendation to the Common Council. The Council shall determine if the sidewalk shall be installed. The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.

- i. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.
    - ii. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
    - iii. The area is not identified as a Tier 1, 2, or 3 priority area on the most current Sidewalk Plan and Map.
  - b. The Common Council, after receiving input from the Director of Public Works, and the Plan Commission, may take the following action:
    - i. Deny the exception and require sidewalks to be installed.
    - ii. Allow the sidewalks to be installed on one side of the street only.
    - iii. Approve the exception.
    - iv. Allow for a delayed sidewalk installation as part of a development agreement.
    - v. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the project.
  - c. If an exception is approved, the developer/property owner shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.
- 3. Landscaping and Screening. Multi-family developments shall provide landscaping in accordance with the following standards:
  - a. All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.
  - b. Where the development adjoins a property zoned SR and used as a single-family residence, a ten (10) foot landscape buffer is required between any parking area or refuse collection area and the residential lot line. The landscape buffer area shall include plantings to meet the points as required by this section. The width of the buffer area may be reduced to five (5) feet if a berm, solid fence, or wall that is six (6) feet tall is provided within this buffer area.
  - c. Minimum Requirements. All developments are required to have a minimum quantity (points) according to Schedule 1 and the following criteria:
    - i. Lot Frontage. One (1) canopy tree is required for each one hundred feet (100') of lot frontage and should be located along the street frontage of the property, or between the building and the street.

- ii. Building Area. A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one- thousand (1,000) square feet of enclosed ground floor building area. The required landscaping should be located between the building and the street, or between the building and any single- family residential properties, unless another location is agreed to by the Zoning Administrator.
- iii. Parking. A combination of landscaping to equal five (5) points per parking space for exterior parking areas. An additional two and one-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of a property zoned SR and used as a single-family residence. The required landscaping should be located between the parking area and the street, or between the parking area and the single-family residential parcel.
- iv. Refuse Enclosure. A combination of landscaping to equal two and one-half (2.5) points for each foot of perimeter around a refuse enclosure.

|                                       |                                       |               |
|---------------------------------------|---------------------------------------|---------------|
| Point Schedule for Landscape Elements |                                       |               |
| <b>Landscape Elements</b>             | <b>Minimum Plant Size (installed)</b> | <b>Points</b> |
| Canopy Trees                          | 2 1/2" diameter min. caliper          | 50            |
| Canopy Trees                          | Under 2 1/2" diameter caliper         | 30            |
| Evergreen Trees                       | 4 feet and larger                     | 30            |
| Low Ornamental Trees                  | 5 feet and BB stock                   | 20            |
| Tall Shrubs                           | 36 and taller                         | 15            |
| Medium Shrubs                         | 24 to 36                              | 10            |
| Low Shrubs                            | 12 to 24                              | 5             |

- e. A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, or the common council, including but not limited to the following:
  - i. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity) and the scientific and common names of all landscape materials used.
  - ii. The size of existing trees shall be provided.
  - iii. The location and percent of slope of all proposed berms using one foot contours.
  - iv. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.

- f. The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

| Existing Trees | Number of Trees Credited<br>(2 1/2" caliper) |
|----------------|--|
| 36" or greater | 8 trees                                      |
| 18-35"         | 6 trees                                      |
| 12-17"         | 4 trees                                      |
| 6-11"          | 2 trees                                      |
| Less than 6"   | 1 tree                                       |

- g. All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
- (d) Lighting and Utilities. Multi-family developments shall adhere to the following standards for on-site utilities:
- a. Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness.
  - b. Parking lot lighting shall be provided for safety purposes. Parking and security lighting on poles shall not exceed twenty-five (25) feet in height.
  - c. All exterior lighting shall be of full cutoff design or shielded and positioned at a ninety-degree (900) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator.
  - d. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.
- (e) Natural Resources Protection. Multi-family developments shall adhere to the erosion control and stormwater management standards of the City of Mauston and the Wisconsin Department of Natural Resources. Maintenance of any stormwater detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.

**Sec. 114-38. Planned Unit Development District**

- (a) PURPOSE AND INTENT:
- 1) Planned Unit Development District regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land which will provide, over a period of time, development of land that promotes the maximum benefit from coordinated site planning, diversified location of

structures and mixed compatible uses, while also providing a harmonious variety of housing choices, a higher level of amenities, adequate buffering between adjacent uses, and preservation of the natural qualities of open spaces. The Planned Unit Development procedure requires a high degree of cooperation between the developer and the City. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the City with assurances that the project will retain the character envisioned at the time of approval.

- 2) Planned Unit Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Section. In addition to such potential, Planned Unit Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case-by-case basis. In order to prevent undesirable impacts from occurring, all Planned Unit Developments are required to meet certain procedural requirements applicable only to Planned Unit Developments, in addition to the general requirements of this Section. A public hearing process is required to review a request for a Planned Unit Development. This process shall essentially combine the process for a zoning map amendment with the process required for a conditional use, with several additional requirements.
- 3) Planned Unit Developments are designed to forward both the aesthetic and economic development objectives of the City by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Unit Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than is normally required for other developments.

(b) GENERAL PROVISIONS:

- 1) The Common Council may establish Planned Unit Development Districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses. Adequate buffering and preserving open spaces shall also be provided in a PUD.
  - a. Permitted Uses: All residential, institutional, business, or manufacturing land uses may be permitted within a PUD.
  - b. Mixed Uses: A mix of different uses within a PUD District may be permitted if the Common Council determines that the mix of uses is compatible and appropriate to achieve the objectives of the PUD.
  - c. Number of Buildings on a Lot: The Planned Unit Development District may allow more than one principal structure on a lot.
  - d. Density, Intensity and Bulk Requirements: The Planned Unit Development District may permit the modification of requirements for density, intensity, and bulk (building height, setback, area, etc.) from what is permitted in the conventional zoning districts.



- e. Parking Requirements. Requirements for parking may be waived or modified within a Planned Unit Development.
  - f. Minimum Area for a Planned Unit Development District: Planned Unit Development Districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be allowed under conventional zoning. To achieve this goal, there is no minimum parcel or lot size area for a PUD.
- 2) Planned Unit Developments shall be permitted with the approval of a Planned Unit Development Zoning District, specific to the approved PUD.
  - 3) Requested modifications from standards in Section 114 relating to land use, density and intensity, bulk (building height, setback, area, etc.), landscaping, and parking and loading requirements shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such modifications shall not be permitted.
  - 4) Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the Planned Unit Development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in the conventional zoning districts or elsewhere in Section 114.

(c) APPROVAL CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- a. In recommending approval or conditional approval of a Planned Unit Development (PUD), the Plan Commission shall find that the application meets all of the criteria below or will meet them when the Commission's conditions are complied with. The Common Council shall also find, in granting approval or conditional approval, that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:
  - i. Quality Design. The PUD represents a more creative approach to the unified planning of development and a higher standard of integrated design and amenities than could be achieved under otherwise applicable zoning district and subdivision regulations, and on this basis, modifications to the use and design standards established by such regulations are warranted.
  - ii. Meets PUD Requirements. The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
  - iii. Consistent with Comprehensive Plan. The PUD is generally consistent with the goals and objectives of the City Comprehensive Plan as viewed in light of any changed conditions since its adoption.
  - iv. Public Welfare. The benefits to the public and the community as a result of the PUD will exceed any significant negative impact on the use and enjoyment of other properties in its vicinity. The PUD will not seriously harm environmental quality in the neighborhood, or impede the orderly development of surrounding property.
  - v. Natural Features. The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains,

wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.

- vi. Circulation and Access. Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided, and are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.
- vii. Open Space and Landscaping. The quality and quantity of public and common open spaces and landscaping provided are consistent with the standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by firefighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.
- viii. Covenants and Restrictions. Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, restrictive covenants and/or rules and regulations contained in owners or condominium associations documentation, or the like for:
  - 1. The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body.
  - 2. Such control of the use and exterior design of individual structures, if any, is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future owners.
- ix. Public Services. The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, storm water management, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.
- x. Phasing. Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial security guaranteeing the installation of such improvements is phased generally proportionate to the phasing of the number of dwelling units or the amount of non-residential floor area.

(d) QUALITY OF DESIGN

- a. To be granted the flexibility permitted by this ordinance, a Planned Unit Development must evidence a high quality level of design and amenities. Among the features that may evidence such quality and amenities are:
- i. Amount and quality of landscaping or screening.
  - ii. Amount, quality, and interconnectedness of common open space.
  - iii. Provision of pedestrian or bicycle paths separated from streets.
  - iv. Preservation of drainage ways, trees, habitat and other natural features.
  - v. Provision of common recreational facilities.
  - vi. Enclosed, underground, depressed, or highly landscaped parking areas.
  - vii. Varied building setbacks or other measures to reduce monotony in design.
  - viii. Quality of building materials and architectural design.
  - ix. Incorporation of storm water management Best Management Practices (BMPs).
  - x. Incorporation of green building, smart growth and other sustainable design principles.
  - xi. Leadership in Energy and Environmental Design (LEED) and/or LEED Neighborhood Design (LEED-ND) certifications and/or other nationally recognized sustainable design criteria and standards.
  - xii. More efficient and economic arrangement of buildings, pedestrian, bicycle and vehicle circulation and access systems and facilities.
  - xiii. Provides a buffer or transition between the PUD and adjacent and nearby zoning districts, land uses, and development intensities.
  - xiv. Provides for a wide-range of housing opportunities.
  - xv. Other features as determined by the Plan Commission or Common Council.

(e) APPLICATION AND PROCEDURAL REQUIREMENTS:

- a. Pre-Application Conference: The Applicant shall contact the Zoning Administrator to place an informal discussion item for a Planned Unit Development on the Plan Commission agenda. At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential Planned Unit Development. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
- b. Concept Plan:
  - i. The Applicant shall provide the Zoning Administrator with a draft Planned Unit Development Concept Plan for a determination of completeness prior to placing the proposed Planned Unit Development on the Plan Commission agenda for Concept Plan review. This submittal shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:

1. A location map of the subject property and its vicinity within a radius of 200 feet.
  2. A general written description of the proposed Planned Unit Development including:
    - a. The general mix of dwelling unit types and/or land uses,
    - b. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
    - c. The general treatment of natural features,
    - d. The general relationship to nearby properties and public streets,
    - e. The general relationship of the project to the Comprehensive Plan,
    - f. An initial draft list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which the standards are not met, and a complete list of zoning standards which will be exceeded, and or benefits provided by, the proposed Planned Unit Development. The conventional zoning district(s) that are most applicable to the proposed development shall be used for comparison. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
  3. A written description of all modifications requested to the requirements of the conventional zoning districts, in the following order:
    - a. Land Use Modifications.
    - b. Density and Intensity Modifications.
    - c. Bulk Modifications.
    - d. Landscaping Modifications.
    - e. Parking and Loading Requirement Modifications.
  4. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.
- ii. Within ten (10) working days of receiving the draft Planned Unit Development Concept Plan, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete submittal, the proposed Planned Unit Development Concept Plan shall be placed on the next available Plan Commission agenda.
  - iii. The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting.
  - iv. At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual Planned Unit Development. Appropriate topics for discussion may include

the information provided in the Concept Plan submittal, or other items as determined by the Plan Commission.

- v. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the General Development Plan application.
- c. General Development Plan (GDP): The Applicant shall provide the Zoning Administrator with a draft GDP packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. The submittal packet shall include an application fee in the amount as established from time to time by resolution of the Common Council, and shall contain all of the following items prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
  - i. A location map of the subject property and its vicinity within 200 feet.
  - ii. A map of the subject property showing all the lands included in the proposed Planned Unit Development. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - iii. A site map showing existing topography and significant vegetation.
  - iv. A general written description of the proposed Planned Unit Development including:
    - 1. The general mix of dwelling unit types and/or land uses,
    - 2. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
    - 3. The general treatment of natural features,
    - 4. The general relationship to nearby properties and public streets,
    - 5. The general relationship of the project to the Comprehensive Plan,
    - 6. A Statement of Rationale as to why Planned Unit Development zoning is proposed. This shall identify barriers that the Applicant perceives in complying with the requirements of conventional zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.
    - 7. A complete list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which they apply, and a complete list of zoning standards which will be met or exceeded, and benefits provided, by the proposed Planned Unit Development. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private

- benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
8. A written description of all requested modifications to the requirements of the conventional zoning district, in the following order:
    - a. Land Use Modifications.
    - b. Density and Intensity Modifications.
    - c. Bulk Modifications.
    - d. Landscaping Modifications.
    - e. Parking and Loading Requirement Modifications.
  - v. A General Development Plan drawing at a minimum scale of 1" = 100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
    1. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of public streets and/or private drives, and sidewalks. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.
    2. Location of recreational and open space areas and facilities, and specifically describing those areas that are to be dedicated for public use.
    3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council.
    4. Notations relating the written information provided to specific areas on the GDP Drawing; and
    5. Conceptual grading plan showing general site drainage, the location of on-site storm water management facilities and any modification of the existing topography.
  - vi. A general conceptual landscaping plan for the subject property, noting app noting approximate locations of foundation, street, yard and paving landscaping, and compliance with all landscaping requirements of Chapter 114 (except as noted in the listing of modifications) and, where applicable, the use of extra landscaping and buffer yards.
  - vii. A general signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
  - viii. Written justification for the proposed Planned Unit Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop the written justification.)
  - ix. The Plan Commission shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD. Following the public hearing, the Plan Commission shall vote to recommend to the Common Council that the PUD be approved as presented, modified, or denied.

- x. The Common Council shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD.
- xi. Following such a hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the approval of the proposed PUD. After approval, the PUD boundaries shall be shown on the Zoning Map.
- d. Specific Implementation Plan: After the effective date of the rezoning to PUD/GDP, the Applicant shall file an application for a Specific Implementation Plan (SIP) with the Plan Commission. This submittal shall include an application fee in the amount as established from time to time by a resolution of the Common Council, and shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for SIP review:
  - i. A location map of the subject property and its vicinity within 200 feet.
  - ii. A map of the subject property showing the lands included in the PUD. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - iii. A detailed written description of the proposed SIP including:
    - 1. The specific mix of dwelling unit types and/or land uses.
    - 2. Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.
    - 3. The specific treatment of natural features.
    - 4. The specific relationship to nearby properties and public streets.
    - 5. A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in complying with the requirements of standard zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.
    - 6. A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply, and a complete list of zoning standards which will be exceeded and benefits provided by the proposed PUD. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
  - iv. A Specific Implementation Plan drawing at a minimum scale of 1" = 100" (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to demonstrate the project satisfies the approval criteria for planned unit developments:

1. A SIP site plan conforming to any and all the requirements of the PUD/GDP.
  2. Location of recreational and open space areas and facilities and specifically describing those areas that are to be dedicated for public use.
  3. Statistical data on minimum lot sizes in the development, the precise areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
  4. Notations relating the written information provided above to specific areas on the SIP Drawing.
- v. A landscaping plan for the subject property, specifying the locations, species and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and location (foundation, street, yard, paved area or buffer yard) of all trees and shrubs.
  - vi. Engineering plan showing existing and proposed topography with contours at intervals not exceeding 2 ft, proposed drainage patterns, site grading plan, sanitary sewer system, storm sewer system, and water supply system (including fire hydrants).
  - vii. A series of building elevations for the exterior of all buildings in the Planned Unit Development, including detailed notes as to the materials and colors proposed.
  - viii. A signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles). The plan shall identify which lights are proposed to vary from City standards or common practices and the plan shall identify which zoning district(s) sign regulations shall apply to the project.
  - ix. An outline of the intended organizational structure for a property owners or condominium association, if any; deed restrictions, restrictive covenants and/or rules or regulations contained in owners or condominium associations documentation and provisions for private provision of common services, if any.
  - x. A written description which demonstrates the proposed SIP complies in all respects with the approved GDP.
  - xi. Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed SIP development.
  - xii. The area included in a SIP may be only a portion of the area included in a previously approved GDP.
  - xiii. The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
  - xiv. The Plan Commission shall review and consider the SIP and forward its recommendation to the Council. The Common Council shall vote to approve as presented, approve with conditions or deny the PUD- SIP.
- e. Combining Steps. An applicant may request approval to combine the Pre-Application Conference and Concept Plan steps together. The Zoning



Administrator shall determine if that request is appropriate based on the complexity and nature of the proposed development. If approved, all of the required application materials and the public notice requirements for both of the combined steps shall be provided. An applicant may also request approval from the Plan Commission to combine the GDP and SIP steps together. If this request is approved by the Plan Commission, all of the required application materials, and all of the public notice requirements for both of the combined steps shall be provided.

(f) CONDITIONS AND RESTRICTIONS:

- a. The developer shall enter into a development agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific Planned Unit Development, and to assure the construction of all facilities and infrastructure associated with the project.
- b. No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a development agreement has been approved and executed and financial security has been provided. For staged development, such development agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.
- c. The Common Council may revoke an approved PUD, if the project has not commenced within two (2) years. In the event the PUD is revoked, the zoning of the property shall revert to the zoning district in place prior to approval of the PUD.
- d. The Common Council may revoke portions of an approved PUD-SIP that are not fully developed within ten (10) years of final Common Council approval. If the PUD is revoked, the Common Council may rezone the property to a different zoning district, or may consider an application for a new PUD-GDP.
- e. Pursuant to Wisconsin Statutes Section 349.03, approval of the PUD shall constitute an agreement permitting the City to enforce traffic regulations under Chapter 346 Wisconsin Statutes or local ordinances in conformity with such regulations on any private streets and driveways located within the PUD. The City shall also have the right to access the PUD for the purposes of snow removal, weed cutting and trash disposal. If the City performs such services, the City shall have the right to impose a special charge against the property for the costs of these services, pursuant to Wis. Stats. § 66.0627.

(g) CHANGES OR REVISIONS:

- a. All proposed changes, revisions, and additions to any aspect of an approved Planned Unit Development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine whether the change, revision or addition is minor or if the change is substantial. A minor change would include small modifications to the approved SIP. A substantial change would include major modifications to the SIP, or modifications to the GDP, because the change materially affects the intended design of the project and the impact of the project on neighboring uses. Based on the significance of the revision, the Plan Commission shall also determine what public hearings may be needed to review the change.
- b. If the change is determined to be a minor adjustment to the SIP, the Plan Commission shall review the request and may approve the change without a public hearing. The recommendation of the Plan Commission shall then be

forwarded to the Common Council for final action. The Common Council may also consider the change without a public hearing.

- c. If the requested change is determined by the Plan Commission to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review the proposed change. The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting at which action shall be taken. The recommendation and findings of the Plan Commission shall be forwarded to the Common Council. A substantial change may also require that the Common Council hold a public hearing before taking final action on the amendment.
- d. If the Common Council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any development agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

#### **Secs. 114-39. Conditional Use Permits**

- (a) **CONDITIONAL USE PERMITS.** The Common Council, upon review and recommendation from the Plan Commission, may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.
- (b) **APPLICATION.** An application for a Conditional Use Permit shall be made to the Zoning Administrator or Zoning Coordinator on a form provided. The application shall include the following information:
  1. Name and addresses of the applicants, owners of the site, the architect or engineer, if any, the contractor, if any, and the names of property owners of record within 100 feet of the property in question, inclusive of right-of-way shall be so notified.
  2. A description of the subject site by lot, block and recorded subdivision or by certified survey, the address of the site, the type of structure(s) on the site, proposed operation or use, the number of employees, and the zoning district within which the subject site lies.
  3. Site Plan. A Site Plan shall be attached to the application including, at minimum, the following:
    - a. All exterior dimensions of the property in question.
    - b. Location, dimensions and setbacks of any existing or proposed buildings.
    - c. Parking areas, including number of spaces required by **Section 22.09**, number of spaces proposed, and location and dimensions of parking spaces, including handicapped-accessible spaces as required.
    - d. Locations of landscaping, exterior lighting, and signage.
    - e. The Zoning Administrator may require additional information on the Site Plan as necessary to show that the proposed conditional use meets the purpose and intent of this Ordinance.
    - f. The Site Plan shall be prepared by an architect, civil engineer, registered land surveyor, land planner or similar professional, unless the Zoning Administrator determines that the project's complexity is minimal and the plan may be prepared by a non-professional.

4. Any additional information which may be required by the Plan Commission, Director of Public Works, or the Zoning Administrator.
5. An application fee in the amount as established from time to time by the Common Council.

(c) REVIEW AND APPROVAL

1. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street or highway access, traffic generation and circulation, drainage patterns, sewer and water systems and the proposed operation.
2. Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational hours, restrictions, increased yards or parking requirements or other requirements may be imposed by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.
3. Compliance with all the other provisions of this ordinance such as lot width and areas, yards, height, parking, loading, traffic, and highway access, as well as performance standards, shall be required of all conditional uses. Variances shall only be granted pursuant to Section 114-166
4. The Zoning Administrator shall give written notice to all property owners within 100 feet of the subject property prior to the Plan Commission meeting at which action shall be taken.

- (d) DECISION. No applications for conditional use permits may be resubmitted in person or by agent for the same or similar request for the same property within six (6) months after the decision by the Common Council unless substantial changes have been made in the request, as determined by the Zoning Administrator.

Conditional use permits approved by the Common Council shall expire within twelve (12) months unless substantial work has commenced pursuant to such approval.

- (e) MOBILE HOME PARKS. The application requirements for a Conditional Use Permit for a mobile home park shall be subject to all of the requirements of Section 114-163.

**Secs. 114-40. Reserved.**

Zoning Code Assessment and Direction Report

# City of Mauston Zoning Code Mauston, Wisconsin

*Prepared For:*  
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## Introduction

With this Zoning Code Update Project, the City of Mauston is undertaking a review of its Zoning Code to make the Zoning Code easier to administer and support high-quality development in the community. The City's completed an update to the Zoning Ordinance in early 2017. At that time, duplicate language was removed, zoning districts were reduced, land uses were edited. However, the City wishes to see additional edits to the Code considering Wisconsin Act 67, became effective Nov. 28, 2017. While the City has routinely adopted amendments to address specific issues, the City needs an evaluation of the entire Zoning Code to determine where there are inconsistencies within the code, ensure the City's regulations are consistent with current State Statutes, address standards that are outdated with contemporary development market practices, and make the code easier to use for property owners, business owners, developers, and community members. The code should function as an easy-to-use tool that supports the community's development needs rather than a hurdle to development. The process will implement recommendations from the 2016 Comprehensive Plan.

The purpose of the Ordinance Assessment and Direction Report is to provide detailed documentation of the strengths and weaknesses of the City's current code in terms of usability, organization, effective standards, and inconsistencies within the codes and with relevant plans. The development code evaluation process is intended to determine where there are conflicting development standards, unclear processes, and regulations that do not reflect modern trends and needs of property uses and development.

The annotated outline identifies the recommended reorganization of the City's codes. The current structure of the code is difficult to administer given its structure. Some of the chapters use Divisions and some do not, thus the proposed structure will use divisions in chapters to group related sections and the section numbering will include a reference to both the chapter and division to ease navigating the code.

This report is intended to provide a foundation for the code update process, allowing the City to review and provide feedback regarding the code evaluation and the overall new code structure before drafting of recommended changes to the development codes begins. This report is organized into the following sections:

1. Major Themes for Improvement
2. Annotated Outline
3. Appendix: Downtown Map showing various boundaries

It is important to remember that this evaluation does not necessarily identify every issue or individual problem with the existing Zoning codes. Instead, the report tries to focus on broader issues that will provide direction for the project prior to drafting the new Zoning Code.

## Priority Discussion Points

Priority discussion points to review and discuss to move forward. If any of the suggestions are or are not taken, that impacts the direction for the rest of the zoning code update.

1. Discuss merging Zoning Districts
2. Discuss Structure of Zoning Districts' Purposes, Uses and Standards
3. Reorganize Uses
4. Update and Clarify Development Procedures
5. Reorganize sections because there are sections in Article VIII that should be Article I. These are all noted in the Annotation portion of this document.
6. Utilize "Divisions" in the Articles to ease navigating the code.
7. Allow Zero-lot line in one or two of the Zoning Districts.
8. Consider removing the minimum zoning district area.
9. Land Use Development Standards need to be pared down. Many of the regulations listed can be combined into other Performance Standards or other regulations. Thus, a deep dive needs to be completed on what regulations the City wants to keep for each land use. This of course would be part of the greater land use discussion.
10. Accessory Uses are reorganized and have a proposed outline that will reduce the exhaustive tables under the zoning districts
11. Determine if Sign Code should be its own chapter. This chapter also contains conditional uses. It is suggested that if the Sign Code becomes its own chapter, then a waiver can be granted instead of a conditional use.
12. Discuss inclusion of short-term rentals within the city.

## Major themes for improvement

### Evaluate Planned Unit Development Section

The Planned Unit Development Section is overly complicated for an applicant to understand their responsibilities to move through the Development Process. The term Planned Unit Development (PUD) is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

PUD is a special type of floating overlay district which generally does not appear on the municipal zoning map until a designation is requested. This is applied at the time a project is approved and may include provisions to encourage clustering of buildings, designation of

common open space, and incorporation of a variety of building types and mixed land uses. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. Potential benefits of a PUD include more efficient site design, preservation of amenities such as open space, lower costs for street construction and utility extension for the developer and lower maintenance costs for the municipality.

The PUD ordinance should clearly spell out the review process, opportunities for public involvement, and procedural guidelines.

Currently, the PUD is not in the best section of the zoning code. It is suggested to move to Article II (Zoning Districts), Article III (overlay Zoning Districts), Article VI (Reserved), or Article VII (Signs), if Sign Code is moved to its own chapter.

## Evaluate Conditional Uses and How to handle as a Result of WI Act 67

In December of 2017, Wisconsin Act 67 changed how cities can process conditional use permits (CUPs). Conditional use permits have traditionally been used to allow uses that may have impacts on surrounding properties if no mitigating measures were taken. During the review and approval process a City would typically add conditions to the permit approval in an effort to minimize impacts. Conditions might address site parameters such as setbacks, building height, site access points, traffic movement, screening, landscaping, or signage. These conditions were not necessarily identified in the code.

Act 67 now requires a city to grant a conditional use permit if an applicant meets, or agrees to meet, all the requirements and conditions specified in the ordinance or imposed. **These conditions must be based on substantial evidence**, defined in the Act as **facts and information** rather than simply personal preference or speculation about impacts. A review of the code finds that the City has many conditional uses and many of the conditional uses do not have specific conditions or has many conditions, or conflicting conditions. It is anticipated that after reflection some conditional uses could be changed to permitted uses or uses permitted with standards. In addition, for those uses that should be retained as conditional, it is important that the requirements and conditions outlined in the code meet Act 67 requirements. A comprehensive review of conditional uses is recommended as part of the rewrite process.

Further guidance in Act 67 directs those conditions imposed by the zoning authority "must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal."

The code needs to clarify between Variance and Conditional Uses. The code has two Variance types. Area Variances and Use Variances. However, a Use Variance is typically referred to as a Conditional Use Permit. It is suggested to remove the Use Variance and use the Conditional Use Permit process. The following provides a brief overview of a variance and a conditional use. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met. See *Goldberg v. City of Milwaukee Board of Zoning Appeal*, 115 Wis.2d 517, 340 N.W.2d 558 (Ct. App. 1983).

Similarly, a conditional use or special exception permit generally transfers to the purchaser of a property subject to such a permit. However, some communities impose periodic reviews on conditional use or special exception permits and/or issue such permits for specific time periods (e.g., one year).



## Reorganize Permitted and Conditional Uses

Once the land use and land use development standards are reviewed and discussed. Then, additional back and forth can be completed with identifying the land uses that will be Allowed, permitted with standards, conditional use, and not allowed. The annotations provide further guidance on several sections of the Code.

## Evaluate City's Zoning Map

A preliminary comparison was conducted of the City's current Zoning Map. In 2016, the Zoning Map and Future Land Use Maps were made consistent. Thus, there does not seem to be any issues with Zoning Map/Future Land Use consistencies. However, it might be beneficial to reduce the zoning districts even further. Below is the current acreage and percent of each Zoning District. It is suggested to combine General Business and Neighborhood Business, SR3- and SR4, and, MR-10 and MR-8, and incorporate zero-lot line twin homes into either the SR, TR, and/or the MR zoning districts. The table below shows the Zoning Districts, their acreage, and percent of total land. The "blank" parcels are ETZ parcels.

|             | Acres    | Percent |
|-------------|----------|---------|
| AG          | 1,297.50 | 38.39%  |
| CB          | 41.70    | 1.23%   |
| GB          | 10.00    | 0.30%   |
| NB          | 10.00    | 0.30%   |
| PB          | 295.10   | 8.73%   |
| GI          | 558.70   | 16.53%  |
| HI          | 7.60     | 0.22%   |
| SR3         | 267.50   | 7.92%   |
| SR4         | 316.80   | 9.37%   |
| TR6         | 45.80    | 1.36%   |
| MR10        | 27.10    | 0.80%   |
| MR8         | 51.10    | 1.51%   |
| (blank)     | 450.60   | 13.33%  |
| Grand Total | 3,379.50 |         |

Additionally, a thorough review the downtown zoning districts and overlay districts was completed. Please see the Appendix A: Downtown Map Districts for review and discussion.

## Improve Zoning as a Tool for Expanding Housing Development Options

The city's existing residential zoning districts are predominantly structured around traditional, single-family houses, duplexes/twin homes, and multi-family housing development. The community is interested in increasing the diversity of housing options available for existing and

new residents. Updates to the residential zoning districts could better reflect modern housing development trends and enable the addition of a greater diversity of housing types for residents. For example, so-called “missing middle housing” types could potentially be identified and allowed in more areas of the city than larger scale, higher density housing types. Missing middle housing types include side-by-side duplexes, stacked duplexes, bungalows, accessory dwelling units, four-plexes, townhouses/rowhouses, live-work units, and small apartment buildings. The scale of these medium density housing types can be designed to be compatible with single-family housing neighborhoods. Options to consider are expanding the housing types allowed in the SR-3 and SR-4 zoning districts and/or creating a new R-3 zoning district. Allowing zero-lot twin-home.

Some potential challenges to be aware of include the existence of small lots in the R-1 and R-2 districts that may not be large enough to accommodate middle density housing types, potential neighborhood residents’ concerns about medium and high-density housing types next to single-family homes, and the need for adding standards that will ensure compatibility between different housing types and densities.

Additionally, the city will need to consider Accessory Dwelling Units (ADU’s) as an option to address housing. ADU’s are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. Accessory dwelling units offer a variety of benefits to communities. They help increase a community’s housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents. Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable. In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.

## Zoning Code Annotation

The following pages contains Zoning Code Annotations. Each section of the Articles of the Chapter have been reviewed and contain notes. The Annotation provides the next steps or other comments to consider during Phase 2 of the zoning code update. Some sections contain more detailed notes, while others provide guidance during the Phase 2 process. The Annotation is broken down by Article. At the beginning, before the Section Annotation, an overview of the major issue with the Article is provided or a proposed reorganization is provided. There is a process to keep note of each current section if moved to another article or section during Phase 2.

The following Color-Coded Actions

The following colors refer to the bullets of the Annotated Sections. While Section Headings also have different colors to show items to stay and items to move to another Article, do not refer to the Section Heading colors because those are for:

1. Staff action/decision to move forward
2. Staff original comments - aqua
3. Attorney review necessary before/after code is re-written



## Article I: General Provisions

### Suggested Reorganization of Chapter

1. Division 1 - Introduction
  - a. Title
  - b. Purpose
  - c. Intent
  
2. Division II – General Provisions
  - a. Jurisdiction
  - b. Zoning Administration
  - c. Compliance
  - d. Building Permit – need to add language
    - i. Applications for a building permit shall be made in accordance with the requirements of Chapter 102 of the Municipal Code.
  
3. Legal Provisions
  - a. Authority
  - b. Effective Date
  - c. Violations
  - d. Abrogation
  - e. Interpretation
  - f. Severability
  - g. Repeal
  - h. Statutory References
  
4. Abbreviations
  
5. Definitions
  
6. Land Use Definitions

### **Sec. 114-1. Title.**

1. Ensure the language in this Chapter follows this statement

### **Sec. 114-2. Authority.**

1. Proposed language change
  - a. These regulations are adopted under the authority of Sections 62.23(7) and 87.30 of the Wisconsin Statutes, as amended.
  
2. Attorney Need to review

### **Sec. 114-3. Legislative intent.**

1. Proposed language change
  - a. It is the general intent of this Chapter to regulate the use of all structures, lands and waters; regulate population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure

safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and provide penalties for its violation.

b. Attorney Review –

**Sec. 114-4. Purpose.**

1. Attorney Review

**Sec. 114-5. Appearance of ordinance text.**

1. Attorney Review
2. Necessary?

**Sec. 114-6. Separability and non-liability.**

1. Attorney Review
2. Can any language be reduced?

**Sec. 114-7. Abrogation.**

1. Attorney Review
2. Add "However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern" to the end of the existing paragraph.

**Sec. 114-8. Jurisdiction.**

1. No changes

**Sec. 114-9. Re-enactment and repeal.**

1. Attorney Review

**Sec. 114-10. Effective date.**

1. Attorney Review

**Sec. 114-11. Appendices and checklists.**

1. Remove

**Sec. 114-12. Rules of interpretation.**

1. Update
2. Attorney Review

**Sec. 114-13. Word usage.**

**Sec. 114-14. Statutory references.**

1. Move to legal provision
2. Attorney review

**Sec. 114-15. Abbreviations.**

1. Ensure these abbreviations are used throughout

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

1. Check that Definitions are appropriate and used within the document
2. Add Land Use Definitions here?
  - a. Do not incorporate but have separate and organized by land use category.

**Secs. 114-17—114-37. Reserved.**

## Article II: Standard Zoning Districts

An depth review of the standards were not completed for the Zoning Districts because there are several other items that would need to be completed before addressing the standards.

Additionally, staff will -need to discuss if they prefer to combine zoning districts or not.

1. Review the tables and see how different the tables are between residential uses and non-residential uses.
2. Before changing the land uses tables
  - a. Review the land use standards
  - b. What land uses can be combined or removed
  - c. Then see what land uses can be allowed, permitted, conditional, and not allowed.
  - d. Remove the categories from the land use tables and put land uses in alphabetical order - option.

### **Sec. 114-38. Purpose**

Update after all other edits is complete

### **Sec. 114-39. Standard Zoning Districts categories and standard zoning districts**

1. District Changes Combine/Create
  - a. Review ER, potentially keep
  - b. Combine SR3 and SR4 - review the standards and how this impacts development.
  - c. Combine MR8 and MR10 – review the standards and how this impacts development.
  - d. Create Institutional and Governmental district
  - e. Allow Park uses under institutional or other districts

### **Sec. 114-40. Map of standard zoning districts**

No change to language, but the map will need to reflect any changes.

### **Sec. 114-41. Interpretation of zoning district boundaries**

No changes.

### **Sec. 114-42. Relationship to overlay zoning districts**

After the overlay districts are finalized, review this section.

### **Sec. 114-43. Reserved**

### **Sec. 114-44. Agricultural District**

1. Update purpose potentially.

2. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
3. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, Permitted with standards, Conditional uses, and not allowed. What about temporary uses?
4. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. Review the footnotes, and incorporate, edit, or remove
5. Staff prefers a list for each district instead of a matrix. This will be easier read after significant items are removed.

## **Sec. 114-45. Residential Districts**

1. Make sure the description is a purpose statement.
2. Combine the SR3 and SR 4 district
  - a. Review the differences in standards if any besides density
3. Combine MR-10 and MR -8
  - a. Review the differences in standards if any besides density
4. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
5. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, Permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?
6. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently



- e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.
- f. Need to allow zero-lot line

## **Sec. 114-46. Non-Residential Districts**

1. Make sure the description is a purpose statement.
2. Combine General Business (GB) and Neighborhood (NB) after review of standards
3. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
4. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?
5. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.

## **Sec. 114-47. Industrial Districts**

1. Make sure the description is a purpose statement.
2. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
3. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?

4. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.

## **Sec. 114-48. Planned Development**

Update purpose to align with PUD

## Article III: Overlay Zoning Districts

Update numbering

Separate overlay map is not available on the website, only within the zoning code.

Does the Zoning Map and Overlay need to be within the Municipal Code or just reference, and the most recent gets updated online?

Are all the Community Development Overlays necessary? The Community Gateway Design does not have regulations. The Park regulation should be an allowed use.

Example: Corner of State Street and Union Street

Fitness center is not facing the street correctly.



Figure 4.2: Vacuum Platers Alternative Two(a) Concept



Alternative Two(a) includes a 2.5-story building fronting Union and State Streets with outdoor seating areas on both streets. There is a total of 18,000 sq.ft. of commercial space. The parking lot has 60 spots, including three handicap spaces, with access points on La Crosse Street, on State Street (right-turn only), and on Pine Street. The main design features include:

- Architectural feature at Union/State corner
- Landscaped parking lot
- Variation in building plane and building height
- Incorporate pitched and mansard roofs (to help with the overall scale of the development)
- Building is setback to allow a wider pedestrian zone
- Building fronts the major streets (60% of State Street & 60% of Union Street)
- Parking areas are screened and located in the side/rear of the site
- Provide outdoor seating areas with landscaped edges

**Sec. 114-81. Purpose.****Sec. 114-82. Overlay zoning categories and districts.**

1. Fix numbering

**Sec. 114-83. Map of overlay zoning districts.**

1. Overlay map is in the municipal code instead of just referenced. This creates a bigger document. The map is not legible either at this scale.
2. Suggest put the overlay map on the website.

**Sec. 114-84. Interpretation of overlay zoning district boundaries.**

1. Update language
2. Attorney Review?

**Sec. 114-85. Natural resource protection overlay zoning categories.**

Discuss with Mark

1. Move definitions to Article I
2. Update allowable land uses after discussion of land use direction
3. Review each land use and propose what to remove/keep/revise in Phase 2
4. Update/reduce language – See Lake Geneva Code for example

**Sec. 114-86. Community character overlay zoning.**

1. Downtown Design District
  - a. Does the downtown Checklist reflect the proposed architectural design review
  - b. If not, then incorporate the standards into the zoning code
  - c. Ensure no other proposed changes addresses the standards.
  - d. Do not have individuals refer to a checklist, put the checklist here
2. Community Gateway Design
  - a. No current regulations
  - b. Should this be removed?
  - c. Some of this could be achieved by architectural design review
2. Park Overlay District
  - a. Parks should be a land use and allowed in districts

**Sec. 114-87. Airport overlay zoning.**

Do we need more than “See Chapter 4”?

**Secs. 114-88—114-113. Reserved.**

## Article IV: Land Use Development Standards

Section 114-114 – 114-131

Sections Reserved 114-132 through 114-158

Land Use Development Standards covers 41 pages and 16,987 words. Beginning with Section 114-121, the land use standards begin. This section is overly detailed. In many instances, Descriptions are included, but are definitions. If a definition/description is included, it should be moved to the definition chapter. The regulations need to be reviewed after a thorough reorganization of land uses is completed.

There should be at most two sentences for most regulations that require regulations. Simple and clear regulations. Should also see if multiple land uses have the same regulations, if so how can the regulations be generalized.

### Proposed Outline

1. General Information
2. Site Restrictions
  - a. Lots shall abut on a public street
  - b. Principal structures per lot
  - c. Public Water and Sewer
    - i. This reduces the need for this to be repeated in the Development Standards section
  - d. Dedicated Street
3. Use Restrictions – See notes on first page that references the land use development standards Page \_\_\_\_ -
  - a. Specified Uses (Permitted, Allowed) – short sentence
  - b. Accessory Uses and Structures
    - i. Accessory Structures in Residential Areas
    - ii. Accessory Structures in Non-Residential areas
    - iii. Fences and gates
      - 1) Fences and gates in Residential Districts
      - 2) Fences and gates in Non Residential Districts
  - c. Retaining Walls
  - d. Conditional Use – short sentence to refer to Section
  - e. Temporary Uses – short sentence
  - f. Reduction or Joint Use
  - g. Substitute Buildings
4. Nonconforming Uses, Structures, and Lots
  - a. Existing Nonconforming Uses
  - b. Existing Nonconforming Structures
  - c. Changes and Substitutions
  - d. Substandard lots
5. Specific Standards
  - a. Home Occupations

- b. Bed and Breakfast Establishments
  - c. Fuel Tanks and Fuel Dispensing Equipment
  - d. Drive-Through Facilities
  - e. Vehicle Washing Facilities
  - f. Outdoor Eating or Drinking Areas or Beer Gardens (not currently in code)
- 6. Other
- 7. Design Review – guide commercial development
  - a. Existing buildings
  - b. Large Commercial Developments
  - c. Architectural Standards
    - i. Building width and façade
    - ii. Loading and mechanical
    - iii. Roof treatments
    - iv. Building materials
    - v. Parking design
    - vi. Outdoor storage and screen
    - vii. Landscaping and greenspace
    - viii. Lighting and utilities
    - ix. Natural resource protection
    - x. Sidewalks and bike paths
    - xi. Vacation and maintenance of buildings
- 8. Multi-family Design Review
  - a. Site design standards
  - b. Pedestrian Circulation and access
  - c. Landscaping and screening
  - d. Lighting and utilities
  - e. Natural resource protection

## Sec. 114-114 General Information

- 1. Depending on the direction of the definitions/descriptions and the updated regulations, this section will need to be updated.
- 2. Omitted uses, should be addressed in other areas “as determined by zoning administrator”
- 3. Discrimination against condominiums, is this necessary? Ask Attorney

## Sec. 114-115 Regulations applicable to all land uses

- 1. Depending on the direction of the definitions/descriptions and the updated regulations, this section will need to be updated.
- 2. Is the number of land-uses per building too much?

## Sec. 114-116 Nonconforming Uses

Review and update per state statutes

## Sec. 114-117 Substandard Lot Regulations

Review and update per state statutes

## **Sec. 114-118 Nonconforming Structures and buildings**

Review and update per state statutes

## **Sec. 114-119 Density and Intensity Standards**

1. This is only a purpose statement. The density and intensity standards are addressed in the zoning district. Should this be a definition or the density/intensity purpose in the zoning districts before the standards table?
2. Remove because this is covered in the Zoning Tables or will be covered in the new format of list instead of tables?

## **Sec. 114-120 Bulk Regulations**

1. This needs to be addresses like density and intensity because this could create an issue. There are standards in Article II Zoning Districts. Then additional requirements here.
2. Remove because this is covered in the Zoning Tables or will be covered in the new format of list instead of tables?
3. This will also be covered in Site Restrictions as identified in new outline.
  - a. Reduced language.

## **Sec. 114-121 Residential Land Uses**

1. The “home/unit” standards are typical but need additional review. Descriptions are included but are definitions. If a definition/description is included, it should be moved to the definition chapter. Complete a thorough review of the regulations.
2. Not all regulations will be necessary after reorganization
3. Update illustrations for clearer pictures and bigger text font.
4. Review the regulations that are already covered after changes are made.
5. Need to allow zero-lot line

## **Sec. 114-122 Agricultural I Land Uses**

1. Cultivation – remove description and regulations.
  - a. Any concerns with removal of regulations?
2. Husbandry – remove description and regulations.
  - a. Any concerns with removal of regulations?
3. Potentially create an Agricultural Uses definition, but not necessary.

## **Sec. 114-123 Institutional Land Uses**

1. There should just be Institutional and Public uses. There should not be a distinction between outdoor and indoor. By combining these two, this removes duplications of regulations.

2. Proposed Definition
  - a. Uses intended for the public good, which are generally (but not always) not-for-profit and are in nature related to civic, religious, educational, health care, or similar services to the public such as Cemeteries, Schools, Hospitals, Religious and charitable institutions, Penal and correctional institutions, Assisted Living facilities, nursing homes, homes for the aged, Clinics, including pharmacies, Day care/Child Care centers, Sports fields, Government and cultural uses.
  - b. How does this impact the use table?
  - c. Would an Institutional District be more helpful?
3. Regulations can be reduced by creating a Traffic, Parking and Access section, which incorporates (b)(2)(b) off-street passenger parking.
4. Keep regulations
  - a. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
  - b. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of six-tenths of one percent. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
    - i. Check the opacity and make sure aligns with other standards in the code.
  - c. A minimum of 30 percent of the development's gross site area (GSA) shall be held as permanently protected green space for indoor institutional uses. This estimate is provided as a general rule of thumb for the convenience of the users of this chapter. Such a yield is not to be considered as ensured by the provisions of this chapter.
    - i. Discuss with Staff
5. Institutional Residential
  - a. If kept, then move description to definition
  - b. Review Regulations with staff
6. Community Living Arrangement
  - a. Change to reference to review 46.03(22)
  - b. Discuss with Mark Steward and City Attorney because of other terms
  - c. Refer to Group Homes instead?

## Sec. 114-124 Commercial Land Uses

1. Many of the uses have descriptions but should be definitions.
2. Definitions need to be moved to definition section if necessary.
3. Put in alphabetical order
4. Office and Personal or Professional Service
  - a. Create Definitions that combines both
    - i. Proposed definition "The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession



5. Indoor Sales or service
  - a. Remove description
  - b. Update this use in all sections of the code
  - c. What about the regulations?
  - d. Does staff want to keep?
  - e. What businesses could take advantage of removal of these regulations?
  - f. What type of businesses does this really regulate?
  
6. Outdoor Sales or service
  - a. Remove description
  - b. Update this use in all sections of the code
  - c. What about the regulations?
  - d. Staff Comments
    - i. Remove 2a
  - e. Does staff want to keep?
  - f. What businesses could take advantage of removal of these regulations?
  - g. What type of businesses does this really regulate?
  
7. Indoor maintenance service
  - a. Keep?
  - b. Move description to Definitions
  
8. In-vehicle sales or service
  - a. Keep?
  - b. Move description to Definitions
  - c. Regulations 2 (a) – (c)
    - i. These should be considered pedestrian access and under the PUD/Arc Standards
  - d. Regulation 2 (d) – Keep/discuss with staff
  - e. Regulation 2 (e) – Keep/discuss with staff
  - f. Regulation 2 (f) – Keep/discuss with staff
  - g. Regulation 2 (g) – Keep/discuss with staff
  
9. Indoor commercial entertainment
  - a. Description to be moved to definition
  - b. Keep Regulation
  
10. Outdoor commercial entertainment
  - a. Discuss the description, the last sentence.
  - b. Move description to definition
  - c. Keep regulations
  
11. Commercial animal boarding
  - a. Discuss the description, the last sentence.
  - b. Move description to definition
  - c. Keep regulations
  
12. Commercial indoor lodging.
  
13. Bed and breakfast establishment
  - a. Move description to definition

- b. Proposed definition
  - i. A place of lodging as licensed by the State of Wisconsin which provided eight (8) or fewer rooms for rent to a maximum of twenty (20) tourists or other transients for more than fourteen (14) nights in a twelve (12) month period. The establishment must be the owner's personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.
  - ii. How would this impact any current bed and breakfasts?
  - c. Regulation 2a – Keep
  - d. Regulation 2b – discuss with staff
  - e. Regulation 2c – discuss with staff and update
  - f. Regulation 2d – is this building code?
  - g. Regulation – 2e – put as part of the definition
  - h. Regulation – 2f – put as part of the definition
  - i. Regulation – 2g – is this necessary, is this part of the state regulations?
  - j. Regulation – 2h – put as part of the definition
  - k. Regulation – 2i – necessary
  - l. Regulation – 2j – is this allowed now with the new CUP law? How would the CUP cover this?
  - m. Regulation – 2k – put as part of the definition
  - n. Regulation – 2l – is this allowed now with the new CUP law? How would the CUP cover this?
  - o. Regulation – 2m – is this allowed now with the new CUP law? How would the CUP cover this? Do we have a conditional use template to show how this would be covered?
  
- 14. Group day care center (nine or more children)
  - a. Update description/definition
  - b. Regulation – 2a – is this allowed now with the new CUP law? How would the CUP cover this?
  - c. Regulation – 2b Keep
  - d. Regulation – 2c - Keep
  - e. Regulation – 2d – Remove
  
- 15. Boardinghouse
  - a. Staff Comments
    - i. Change to Tourist Room House
  - b. Update description/definition
  - c. Remove regulations
  
- 16. Sexually oriented land uses.
  - a. Change to Adult-oriented entertainment businesses?
  - b. Review w/ Atty
  - c. Update definition
  - d. Remove rational
  - e. Regulations – Keep
  
- 17. Vehicle repair and maintenance service.
  - a. Move to definition

## **Sec. 114-125 Storage or Disposal land Use**

1. Indoor storage or wholesaling
  - a. Move to definition
2. Outdoor storage or wholesaling
  - a. Move to definition
  - b. Keep regulations a, c, g, h
  - c. Regulations B should be addressed by zoning districts
  - d. Regulations d, e, f, should be addressed in circulation/access standard
3. Personal storage facility
  - a. Move to definition
  - b. Update definition?
  - c. Regulation a and b should be addressed in conditional use process
  - d. Regulation C – keep?
4. Junkyard or salvage yard
  - a. Move to definition
  - b. Keep regulations
5. Waste disposal facility
  - a. Move to definition
  - b. Keep regulations a – c
  - c. Regulation D – discuss with staff
6. Composting operation
  - a. Move to definition
  - b. Keep regulations
7. Solid waste transfer station and material recovery facility (MRF)
  - a. Move to definition
  - b. Keep regulations

## **Sec. 114-126 Transportation land Use**

1. Off-site parking lot
  - a. Move to definition
  - b. Keep regulations
2. Airport/heliport
  - a. Move to definition
  - b. Regulations should be covered by the airport ordinance
3. Trucking facility
  - a. Move to definition
  - b. Update definition
  - c. Keep regulations
4. Indoor vehicle storage
  - a. Keep?
  - b. Move to definition
  - c. Update definition

## Sec. 114-127 Industrial land Use

1. Light industrial land use
  - a. Move and update definition
  - b. Keep Regulations
2. Heavy industrial land use
  - a. Move and update definition
  - b. Keep Regulations
3. Towers
  - a. Remove because this is covered in Communication towers
4. Extraction use
  - a. Move and update definition
  - b. Keep Regulations a and b
  - c. Regulation C should be covered under CUP

## Sec. 114-128 Accessory Land Use

Proposed outline (eliminates need for portions of the Regulations table in the Zoning District Article). It is possible that this Article will need to be reorganized if this section uses the proposed outline below.

1. Use Restrictions – See notes on first page that references the land use development standards
  - a. Specified Uses (Permitted, Allowed) – short sentence
  - b. Accessory Uses and Structures
    - i. Accessory Structures in Residential Areas
    - ii. Accessory Structures in Non-Residential areas
    - iii. Fences and gates
      - 1) Fences and gates in Residential Districts
      - 2) Fences and gates in Non Residential Districts
  - c. Retaining Walls
  - d. Conditional Use – short sentence to refer to Section
  - e. Temporary Uses – short sentence
  - f. Reduction or Joint Use
  - g. Substitute Buildings

Below are comments for the existing, if there is a wish to keep this language at all.

1. Commercial Apartment
  - a. Staff Comments
    - i. Update language to allow for basement apartments but not first floor
  - b. Review this further, should this be under accessory land use?
2. Minor accessory structures.
  - a. Move and update description
  - b. Regulations review further
3. Company provided on-site recreation
  - a. Remove

4. Indoor sales incidental to storage or light industrial land use.
  - a. Move and update description
  - b. Regulations review further
  
5. Light industrial activities incidental to indoor sales or service land use
  - a. Move and update description
  - b. Regulations review further
  - c. Staff comments
    - i. Change 15% to 30%
  
6. Home Occupation
  - a. Move and update description
  - b. Update regulations/standards
  
7. Family Day Care
  - a. Move/update definition to reflect state statutes
  
8. Intermediate Day Care
  - a. Move/update definition to reflect state statutes
  
9. On-site parking lot
  - a. Move and update description
  - b. Update regulations/standards
  
10. Private residential recreational facility
  - a. Move and update description
  - b. Update regulations/standards
  
11. Private residential kennel
  - a. Move and update description
  - b. Update regulations/standards
  
12. Private residential stable
  - a. Move and update description
  - b. Update regulations/standards
  
13. Individual septic disposal system
  - a. Move and update description
  - b. Update regulations/standards
  - c. Is this regulated elsewhere?
  
14. Exterior Communication devices
  - a. Keep?
  - b. Move/update definition
  - c. Make sure regulations are line with state laws
  - d. Discuss with Attorney
  
15. Caretakers Residence
  - a. Move/update definition, include the one regulation in the definition.
  
16. Piers and wharfs
  - a. Move and update description

- b. Update regulations/standards
- c. Discuss with staff and how these effects other areas of code and vice versa

## Sec. 114-129 Temporary Land Use

1. Proposed - Change temporary use definition to
  - a. Temporary uses such as shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. All other temporary uses are considered conditional uses requiring review, public hearing, and approval in accordance with \_\_\_\_.
  - b. Then remove the individual items below, if not then follow the below suggestions.
2. General temporary outdoor sales
  - a. Move and update description
  - b. Update regulations/standards
3. Outdoor assembly
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
4. Relocatable building
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
5. On-site real estate sales office
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
6. Seasonal outdoor sales of farm products
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?

## Sec. 114-129 Group Developments

1. Discuss with Mark
2. Regulations should be controlled under CUP for safety

## Article V: Performance Standards

1. It is suggested to reorganize this Article. Several items could be moved to Article I General Provisions or the reserved section Article VI. The Sections highlighted in orange, can be moved to Article I or Article VI. If moved to Article VI, we will need to decide on the Article title. Usually, these items are under the title, "Traffic Visibility, Loading, Parking, and Access".
2. Then the Performance Standards should be reorganized into the following order.
  - a. One purpose Statement
  - b. Noise
  - c. Vibration
  - d. Odor
  - e. Waste
  - f. Toxic, hazardous, and Radioactive materials
  - g. Fire and explosive hazards
  - h. Lighting and glare
  - i. Heat
  - j. Electromagnetic interference
  - k. Storage of Vehicles
3. Proposed Performance Standards Purpose statement/definition
  - a. The performance standards set forth in this subsection are applicable to all land uses and activities except where otherwise indicated, and are designed to protect the public health, safety, and welfare and to protect, maintain, and enhance the quality of the natural environment of the community. All uses shall be conducted in such a manner so as not to cause any significant nuisance, hazard, or commonly recognized offensive conditions or characteristics, including significant emission of dust, gas, smoke, noise, fumes, odors, particulate matter, chemical compounds, humidity, heat, cold, glare, or night illumination or the creation of external vibration or electrical disturbance. Prior to issuance of a zoning permit, building permit, or certificate of occupancy for any use, the Zoning Administrator or Building Inspector may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

### Sec. 114-159 Access Standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

### Sec. 114-160 Visibility Standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

### Sec. 114-161 Off-street parking and traffic circulation standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

2. Review and update any inconsistencies.

### Sec. 114-162 Off-street loading Standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update any inconsistencies.

### Sec. 114-163 Exterior Storage Standards

1. Remove purpose because there will be one purpose statement
2. Review this with staff and compare to other municipalities
3. Move definitions to definition section
4. Reduce language
5. Move to proposed Design Review under Article IV Land Use Development standards/check language

### Sec. 114-164 Exterior Lighting Standards

1. Remove purpose because there will be one purpose statement
2. Review this with staff and compare to other municipalities
3. Move definitions to definition section
4. Reduce language
5. Move to proposed Design Review under Article IV Land Use Development standards/check language

### Sec. 114-165 Vibration Standards

1. Suggested Language
  - a. No land use activity shall be conducted in such a manner as to cause earthborn vibrations on neighboring properties of sufficient intensity, frequency, duration, or other characteristics or any combination of the foregoing, as to unreasonably interfere with the use and enjoyment of such neighboring properties for uses lawfully permitted thereon, or to cause damage to real or personal property thereon

### Sec. 114-166 Noise Standards

1. Suggested language
  - a. No land use activity shall be conducted in such a manner as to generate sound which, because of its volume, pitch, frequency, repetitiveness, duration or other characteristics or any combination of the foregoing, unreasonably interferes with the use and enjoyment of neighboring properties for uses lawfully permitted thereon.



## **Sec. 114-167 Air Pollution Standards**

1. Remove or reduce language

## **Sec. 114-168 Odor Standards**

1. Suggested Language
  - a. No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day

## **Sec. 114-169 Electromagnetic Radiation Standards**

1. Combine with Toxic or noxious materials and rename to “Toxic, Hazardous, and Radioactive materials. Change the language.

## **Sec. 114-170 Glare and Heat Standards**

1. Reduce language

## **Sec. 114-171. Fire and explosion standards.**

1. Reduce language

## **Sec. 114-172. Toxic or noxious material standards.**

1. See comments under Sec. 114-169

## **Sec. 114-173. Waste material standards.**

1. Suggested language
  - a. No use or activity shall be so conducted as to cause the harmful discharge of any waste materials per §§11.035(1)(c) and (6), 8.53(2)(e)-(f), 8.70, 9.07(5), 10.05(2), 11.03(7), and 11.035(6) and other applicable sections of the Municipal Code and state and federal law.

## **Sec. 114-174. Exterior construction material standards.**

1. Review and reduce language
2. Architectural design review?
3. Staff comments
  - a. Item B to be removed.

## **Sec. 114-175. Roof and eave standards.**

1. Move to Design Review/ architectural Standards, which does not exist currently
  - a. Suggest moving under land use Development standards section
2. Update language
3. Staff comments
  - a. Make exceptions for homes damaged by natural causes and manufactured homes

**Sec. 114-176. Hazardous materials standards.**

1. See comments under Sec. 114-169

**Sec. 114-177. Fencing standards.**

1. Review and make sure fits City's standards
2. Move to general provisions, or Development Standards under Use Restrictions Article IV.
3. New Language

**Sec. 114-178. Signal receiving antennas (satellite dishes) standards.**

1. Is this under communication towers?
2. Can it be incorporated into communication tower standards?

**Sec. 114-179. Wind energy conversion systems (WECS) standards.**

1. Move to general provisions?
2. Not sure on this one

**Sec. 114-180. Swimming pool standards.**

1. This would be covered under the new proposed Accessory Use and Structures section

**Sec. 114-181. Outdoor storage and screening.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update any inconsistencies.

**Sec. 114-182. Landscaping and greenspace.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. References to tables are incorrect.
3. Tables are numbered incorrectly also.
4. Change to Parking Area landscaping requirements.
5. Review the requirements in detail.
6. Update language for ease of use.

**Sec. 114-183. Natural resources protection.**

1. This should be under Article I, In General.

**Sec. 114-184. Sidewalk and bike paths.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update

**Sec. 114-185. Vacation and maintenance of buildings.**

1. This refers to Conditional Use Permits.
2. Ask Attorney is this allowed?
3. If allowed, this should be reviewed and potentially moved to the Conditional Use Permit section or would this be under Enforcement.
4. Does the City want to enforce this?
5. Does the City have capacity to enforce this?
6. Move to Design Review

**Sec. 114-186. Administration and enforcement of performance standards.**

1. This should be incorporated into Article VIII

**Secs. 114-187—114-220. Reserved.**

## Article VI: Reserved

1. This Article can be used for the items in orange from Article V or used for Planned Unit Development District. However, it is suggested that if the PUD/PD has its own article, then the article should be after Article II Standard Zoning Districts, thus ordering the Articles entirely. Additionally, the Standard Zoning Districts could be renamed to Zoning Districts and the overlay Districts can be included in Article III, Zoning Districts (renamed). Then, the Planned Unit Development/PD can be Article III.

## Article VII: Sign Regulations

This chapter also contains conditional uses. It is suggested that if the Sign Code becomes it's own chapter, then a waiver can be granted instead of a conditional use.

Proposed Outline

1. Permit Required
2. General Regulations
3. Definitions and Requirements
4. Permit Exempt Signs
5. Prohibited Signs
6. Application for a Sign Permit
7. Zoning District Regulations for Permanent Signs
  - a. Types Allowed
  - b. Sign Type by district/category
    - i. Max Area
    - ii. Max Height
    - iii. Minimum Setback
8. Regulations for Temporary Signs
9. Non-Conforming Signs
10. Dangerous and Abandoned signs; violations

### **Sec. 114-253. Permit required.**

Review for consistency.

### **Sec. 114-254. General regulations.**

Review for consistency.

### **Sec. 114-255. Definitions and requirements.**

Staff Comments

114-258-114-255 one section says no flashing lights and one says 25% or a sign can contain flashing elements

Review definitions for any inconsistencies, review if any definitions are in Article I

### **Sec. 114-256. Excluded items.**

Review for consistency.

### **Sec. 114-257. Permit exempt signs.**

Review for consistency.

**Sec. 114-258. General signage regulations.***Staff Comments*

114-258-114-255 one section says no flashing lights and one says 25% or a sign can contain flashing elements

Review for consistency.

**Sec. 114-259. Zoning district regulations.**

Review standards in more detail.

Removing Conditional use or review in detail. If this is moved to another chapter, then a waiver can be applied instead of a conditional use.

**Sec. 114-260. Nonconforming signs.**

Review for consistency.

**Sec. 114-261. Dangerous and abandoned signs; violations.**

Review for consistency.

**Secs. 114-262—114-283. Reserved.**

## Article VIII: Procedures and Administration

1. Rename to Administration and Enforcement
2. It is suggested to reorganize this Article. The Sections highlighted in orange, can be moved to another article or chapter. The sections are noted for action.

### **Sec. 114-284. Purpose.**

1. This will need to be updated once all other items are finished because these references the items in the Zoning Code
2. Proposed language below – both will need to be incorporated into one. The first covers \_\_\_\_ and the second covers amendments
  - a. This chapter contemplates an administrative and enforcement officer entitled the "zoning administrator" to administer and enforce this chapter. Certain considerations, particularly with regard to granting of permitted conditional uses, PUD conditional uses, changes in zoning districts and zoning maps, and amending the text of this chapter, require review and recommendation by the plan commission and ultimate action by the City Council. A zoning board of appeals is provided to ensure proper administration of this chapter and to avoid arbitrariness.
  - b. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the village board may, by ordinance, change the district boundaries established by this chapter and the zoning map incorporated in this chapter and the supplementary floodplain zoning map incorporated in this chapter or may amend, change, or supplement the text of the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the plan commission.
3. Suggested Reorganization
  - a. Zoning administrator.
  - b. Role of Specific City Officials
    - i. Plan commission.
    - ii. City Council
    - iii. Zoning board of appeals.
  - c. Zoning Permits
    - i. Zoning permits for permitted uses.
    - ii. Zoning permits for conditional uses.
    - iii. Zoning permits for temporary uses.
  - d. Zoning certificates of occupancy.
  - e. Site plan approvals.
  - f. Violations and penalties.
  - g. Fees.
  - h. Changes or Amendments
    - i. Amendments to the text of these zoning regulations.

- ii. Amendments to the official zoning maps.
- i. Appeals of zoning decisions.
- j. Variances.

**Sec. 114-285. Amendments to the text of these zoning regulations.**

1. Item should be under one heading “Changes or Amendments” and combined with Sec. 114-286. Both should be incorporated into one.
2. Proposed outline
  - a. Authority
  - b. Application
  - c. Procedure for changes or amendments.
    - i. Request for changes
    - ii. Recommendations
    - iii. Hearings
    - iv. Action
    - v. Fee.
  - d. Protest
    - i. Text
    - ii. State Law reference— Similar provisions, Wis. Stats. § 62.23(7)(d)2m.
  - e. Appeals
  - f. Applications for hearings
  - g. Hearings (refer to this section for other public hearing processes)
  - h. Decision and Disposition of cases

**Sec. 114-286. Amendments to the official zoning maps.**

1. Item should be under one heading “Changes or Amendments” and combined with Sec. 114-285. Both should be incorporated into one.
2. See proposed outline under 114-285

**Sec. 114-287. Zoning permits for permitted uses.**

1. Item should be under one heading “Zoning Permits” and Sec. 114-288, and Sec. 114-289 should be incorporated into one process.

**Sec. 114-288. Zoning permits for conditional uses.**

1. Item should be under one heading “Zoning Permits” and Sec. 114-287, and Sec. 114-289 should be incorporated into one process.
2. Update any conditional use language to comply with WI Act 67 from the end of 2017.

**Sec. 114-289. Zoning permits for temporary uses.**

1. Item should be under one heading “Zoning Permits” and Sec. 114-287, and Sec. 114-288 should be incorporated into one process

**Sec. 114-290. Sign permits.**

1. Suggest moving to another chapter with the sign code



## **Sec. 114-291. Site plan approvals.**

1. Remove purpose because the new Article purpose will cover the purpose
2. Verify all application requirements are suitable for staff.
  - a. Are there any additions or edits?
3. Site evaluation worksheet is mentioned.
  - a. Does a site evaluation worksheet exist?
  - b. This is Definitions also.
4. Application process needs to be included such as how many copies, and when to submit
5. Add Reimbursement of consulting and legal fees.
6. Remove the process for the zoning administration. This provides the exact details that the zoning completes but should be expected to follow. The additional language is not necessary.
  - a. Discuss with Randy/Tony Required Procedure for submission and review.
  - b. Attorney comment?
7. Update the Standard of review
  - a. Change to "Requirements. IN acting on any site plan, the Plan Commission shall consider the following:
    - i. Review the standards
    - ii. Make sure references are correct and update.

## **Sec. 114-292. Zoning certificates of occupancy.**

1. Update and reduce language

## **Sec. 114-293. Variances.**

1. As noted under Major Themes, the code needs to clarify between Variance and Conditional Uses. The code has two Variance types. Area Variances and Use Variances. However, a Use Variance is typically referred to as a Conditional Use Permit. It is suggested to remove the Use Variance and use the Conditional Use Permit process for Use Variance. The following outlines change for the Area Variance.
2. Proposed outline
  - a. Purpose
  - b. Application and procedure for variances
    - i. See public hearing process above
  - c. Public hearing of application
  - d. Action of board of appeals; standards.
  - e. Conditions
3. Remove instructions of the Zoning Administrator
4. Additional Requirements in floodplain districts section
  - a. Keep/Remove?

5. Stay of Proceedings
  - a. Keep/Remove?
6. Notice to the DNR
  - a. Keep/Remove?

### Sec. 114-294. Interpretations.

1. Move to Article 1
2. Update language

### Sec. 114-295. Appeals of zoning decisions.

1. Reduce and update language
2. Does the language for Wetland and floodland mapping disputes, under the current Sec 114-300, need to be addressed here?

### Sec. 114-296. Planned development district procedures

1. Move to Article VI as a standalone, or Article II in the current PUD section, or to Article VIII as stand alone.
2. The current language describes too much detail that is not relevant for the applicants. Thus, the goal would be to update the language to be specific as to what the applicants needs to do, submit, and what to expect.
3. Update purpose and intent language
4. Proposed Outline
  - a. Purpose and Intent
  - b. General Provisions
    - i. Permitted uses
    - ii. Mixed uses
    - iii. Number of buildings
    - iv. Density, intensity, and bulk
    - v. Parking requirements
    - vi. Minimum area for PUD
  - c. Approval Criteria for PUD
  - d. Quality Design
  - e. Application and Procedural Requirements
    - i. Pre-App conference
    - ii. Concept Plan
    - iii. GDP
    - iv. Specific Implementation Plan
    - v. Combining Steps
    - vi. Conditions/Restrictions
    - vii. Changes / Revisions
5. How is the ETZ impacted/involved?

**Sec. 114-297. Zoning administrator.**

1. Should be Item number two
2. Reduce and update language

**Sec. 114-298. Plan commission.**

1. Update language
2. See suggested reorganization

**Sec. 114-299. Reserved.****Sec. 114-300. Zoning board of appeals.**

1. Reduce and update language
2. See suggested reorganization

**Sec. 114-301. Fees.**

1. Reduce and update language

**Sec. 114-302. Violations and penalties.**

1. update language
2. Make sure references to General Provisions/Article II/Division 1 and 2 are referenced
3. Attorney review/comments on current language first

***ARTICLE V. OVERLAY ZONING DISTRICTS***

**Sec. 114-51. Purpose**

**Sec. 114-52. Overlay Zoning Categories and Districts**

**Sec. 114-53. Map of Overlay Zoning Districts**

**Sec. 114-54. Interpretation of Overlay Zoning District Boundaries**

**Sec. 114-55. Airport Overlay Zoning District**