



PLAN COMMISSION AGENDA

October 16, 2024 at 6:30 PM
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call**
2. **Discussion and action relating to Minutes**
 - a. a. September 18, 2024
3. **Discussion and action regarding Article II - Standard Zoning Districts and Article III - Land Use Development Standards of the Zoning Code**
 - a. a. Zoning Codes to review
4. **Adjourn**

NOTICE:

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

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

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



PLAN COMMISSION MINUTES

September 18, 2024 at 6:30 PM
303 Mansion Street Mauston, WI

1. **Call to Order/Roll Call** - The Mauston Plan Commission met on Wednesday, September 18, 2024, in the Council Chambers of City Hall. Mayor Teske called the meeting to order at 6:30 pm. Mark Messer, Lenord Kluge, Brian McGuire, Paul Coggins, and Mayor Darryl Teske were present. Absent was Devan Minard. Also, present was Zoning Administrator Allison Schwark by Zoom.
2. **Minutes** -The motion was made by Messer and seconded by Kluge to approve the September 4, 2024 minutes. Motion carried.
3. **Conditional Use Permit for AAB Properties LLC for a multi-family townhome development on Sherman Street** - Discussed AAB Properties CUP for a group development, and 5 unit building to be constructed on Sherman Street. Plan Commission members discussed plans, and driveway/vehicle access. The Plan Commission members felt this was a great plan and a good development for the community. The motion was made by Kluge and seconded by Minard. Motion carried.
4. **Conditional Use Permit for Group Development of 800 N Union Street** - Discussion regarding Jay's Motorsports CUP for group development and outdoor sales and service. Plan Commission members were very excited about the business coming to the City of Mauston, and the potential growth it will bring to the community. Members did not want to allow the applicant to fence in materials, and asked that to stay consistent we allow the John Deere facility to be constructed without the fencing requirements. The zoning administrator stated she would contact John Deere and make them aware. Motion to approve Jays by McGuire and seconded by Messer. Motion carried.
5. **Adjourn** - The motion to adjourn by Messer and second by Kluge, all in favor adjourned at 6:55 PM.

Chair

Date

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 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.**

- 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.

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		
Landscape Elements	Minimum Plant Size (installed)	Points
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

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:
 - i. 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.
 - ii. 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.
 - iii. 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 (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:

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		
Landscape Elements	Minimum Plant Size (installed)	Points
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 (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 (90) 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.