



UPDATED AMENDED AGENDA FOR PLANNING COMMISSION MEETING NOTICE

A Planning Commission meeting will be held on **Thursday, January 18, 2024 at 5:30 PM**
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,*206751# US (Chicago)

ROLL CALL

APPROVAL OF MEETING MINUTES

- A. [November 2023 Meeting Minutes](#)

PUBLIC HEARING

1. [Public Hearing, Section 52-256, to consider the request from Alexandra Matthews & David Deprey to rezone the property located at 1201 Kilbourn Ave from B-Business District to R2-One-and-Two Family Residential District.](#)
2. Discussion and recommendation related to the request from Alexandra Matthews & David Deprey to rezone the property located at 1201 Kilbourn Ave from B-Business District to R2-One-and-Two-Family Residential District

CERTIFIED SURVEY MAP

1. [Review/Approval of Certified Survey Map \(CSM\) for City of Tomah, Description: Part of Volume 7, Certified Survey Maps, Page 31 \(DOC#388459\), Monroe County Records, Located in the NW 1/4 of the NW 1/4 of Section 9, T17N-R1W, and Part of the NE 1/4 of the NE 1/4, Part of Lot 1 of Volume 9, Certified Survey Maps, Page 171 \(DOC#432987\), Monroe County Records, and All of Volume 2, Certified Survey Maps, Page 132 \(DOC#308760\), Monroe County Records, All Being Located in Section 8, T17N-R1W, City of Tomah, Monroe County, Wisconsin.](#)

DISCUSSION ITEMS

1. [Discuss Comprehensive Plan Schedule & Survey Update](#)
2. [Discussion and Recommendation for Approval of the Adoption of a Public Participation Plan Resolution](#)
3. [Discuss Accessory Structure Height Ordinance 52-10](#)
4. [Discuss Fence Ordinance 52-209](#)
5. [Discuss Airport Regulations Ordinance 52-231](#)
6. [Review Ordinance Amendments to 52-74 & 52-82](#)

FUTURE AGENDA ITEMS

FUTURE MEETING DATE: February 29, 2024

ADJOURNMENT

NOTICE: It is possible that a quorum of members 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. Please note that, 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 Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

MINUTES FOR PLANNING COMMISSION

A Planning Commission meeting will be held on **Thursday, November 30, 2023 at 5:30 PM** in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Meeting was called to order at 5:30 PM by Bryan Meyer

ROLL CALL

Present: Bryan Meyer, Tina Thompson, John Glynn, Eric Prise, and Brian Rice.

Absent: Travis Scholze and Mike Murray. Also present: Shane Rolff.

APPROVAL OF MEETING MINUTES

Motion by Prise, second by Glynn to approve the meeting minutes for October 2023. All ayes. Motion carried.

CERTIFICATE OF APPROPRIATENESS

1. Review/Approval of Certificate of Appropriateness: 1408 Superior Ave

Zoning Administrator, Shane Rolff, went over the Certificate of Appropriateness checklist.

Motion by Thompson, second by Prise to approve the Certificate of Appropriateness for 1408 Superior Ave as presented. All ayes. Motion carried.

CERTIFIED SURVEY MAP

1. Review/Approval of Certified Survey Map (CSM) for Thomas E. Clay Revocable Living Trust, Description: Lots 2 & 3, Vol. 31 Certified Survey Maps, Page 071, Document No. 717543, located in the SW1/4-SW1/4 and SE1/4-SW1/4, Section 34, T18N-R1W, City of Tomah, Monroe County, Wisconsin. Subject to all easements and right-of-ways of record.

Bryan Meyer reviewed the CSM and states it meets all requirements. Motion by Meyer, second by Prise to approve the CSM for Thomas E. Clay Revocable Living Trust. All ayes. Motion carried.

FUTURE AGENDA ITEMS

- Outdoor wood boilers
- Review Downtown Design Standard checklist items 6 & 8 in Parking Area Standards section and 5 & 6 in Storage & Service Areas section.

FUTURE MEETING DATE: December 28, 2023 and January 18, 2024

ADJOURNMENT

Motion by Thompson, second by Prise to adjourn at 6:16 PM

Respectfully submitted,

Casey Kinnear, Public Works Bookkeeper/Code Enforcement Officer

CITY OF TOMAH PLAN COMMISSION
STAFF COMMITTEE PREPARATION REPORT
August 31st, 2023

Agenda Item: Request from Alexandra Matthews & David Deprey to rezone the property located at 1201 Kilbourn Ave. from B-Business District to R2-One- and Two-Family Residential District.

Summary and background information: Applicants wish to rezone the property located at 1201 Kilbourn Ave. from B-Business District to R2-One and Two Family Residential. The property currently has a single-family residence and is considered a legal nonconforming use. The rezone would bring the property into compliance with the City of Tomah zoning ordinances and is consistent with the City of Tomah Future Land Use Map.

Sec. 52-34. - Residential districts.

(b) R-2 one- and two-family residential district.

(1) *Established.* The R-2 district is established to delineate certain areas of land, both developed and undeveloped, with peculiar characteristics, such as presently existing one- and two-unit dwellings, proximity to commercial development or proximity to major streets and because of a probable continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.

(2) *Principal uses.* One- and two-family dwellings and all uses permitted in the R-1 district.

Suitable Zoning Districts:

Areas identified as Downtown Mixed Use are regulated by the City of Tomah Zoning Code. Generally acceptable zoning districts within DMU areas include: Business (B), Multi-Family Residential (R-3), and Zero Lot Line Residential (R-6). In addition, those properties between McLean Ave and the alley running parallel to Superior Ave., and between Kilbourn Ave. and the alley running parallel to Superior Ave., may be zoned for One- and Two-Family Residential (R-2).

Recommendation: Based on review of the application I recommend approval of the rezoning as it is consistent with the City of Tomah Comprehensive Plan Future Land Use map.

Shane Rolff

Zoning Administrator

8/9/23

Date

REZONING APPLICATION

APPLICANT

Applicant Name: ALEXANDRA MATTHEWS & DAVID DEPNEY
Address of Rezone Request: 1201 KILBOURN AVENUE TOMAH
Owner of Site: ALEXANDRA MATTHEWS & DAVID DEPNEY

DESCRIPTION OF THE SUBJECT SITE

(1) Legal Description: _____

(2) Present Zoning Classification: B- Business District

(3) Proposed Zoning Classification: R2- One + Two Family Residential

(4) Description of Existing Use Including Structures if any: Residential single-family home - 1 house and 1 garage

(5) Describe Reason for Proposed Change in Zoning: To match the neighborhood zoning

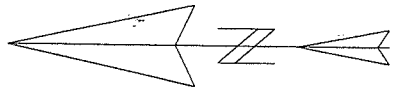
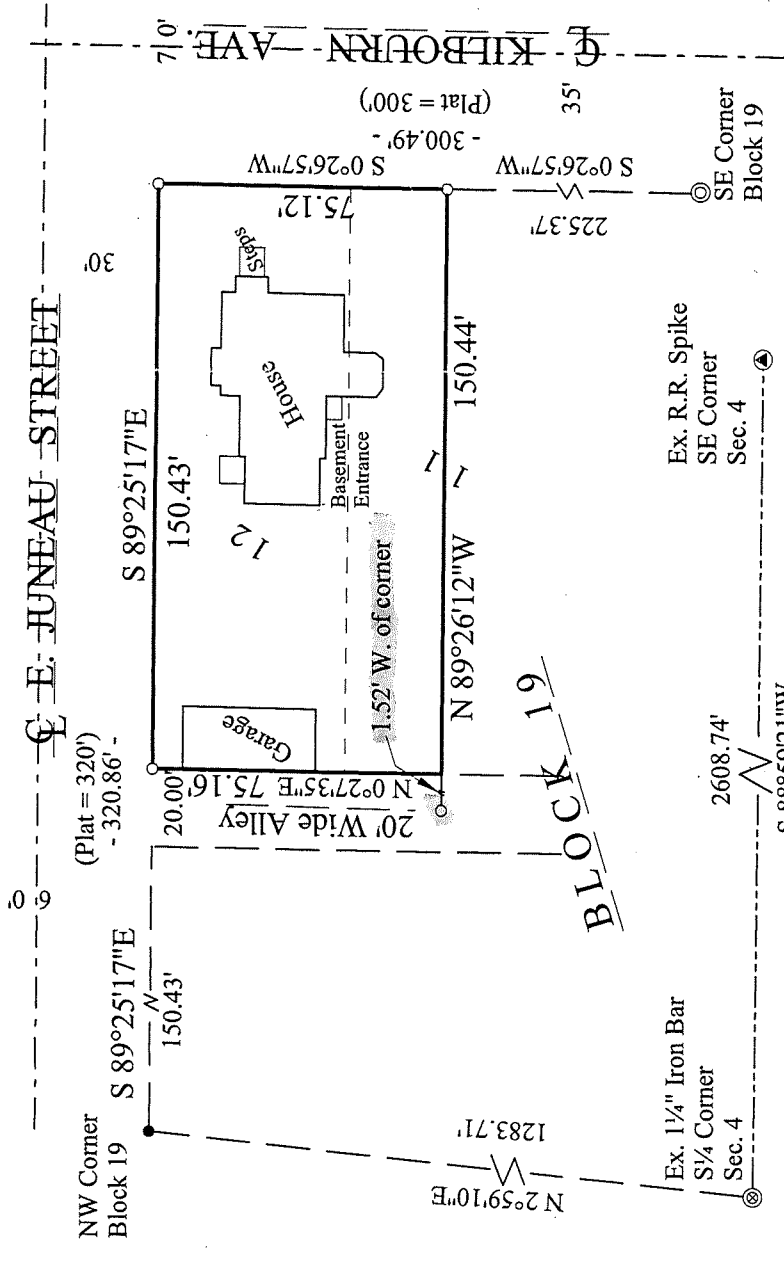
ATTACHMENTS

- (1) Plat Plan Drawn to Scale
- (2) Names and Addresses of All Owners of Properties within 200 Feet of Area to be changed.(City will provide)
- (3) Fee Receipt in the Amount of \$125.00 from the City Treasurer

CERTIFICATION

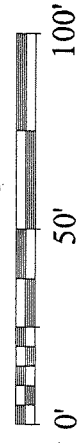
I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

Alexandra P Matthews 1201 Kilbourn Ave 7/26/23
Applicant Signature Address of Applicant Date



The south line of the SE $\frac{1}{4}$, Sec. 4 is ASSUMED to bear S88°59'21\"W

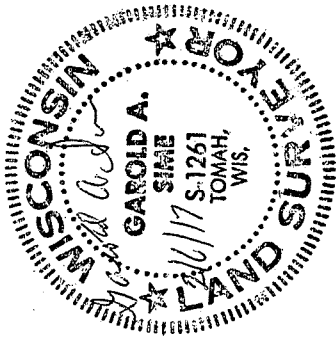
SCALE: 1" = 100'



- = Set 3/4"x18" Rd. Iron Bar weighing 1.50 lbs./lin.ft.
- = Existing Drill hole in concrete
- ⊙ = Existing 1/4" Iron Pipe

DESCRIPTION

The N $\frac{1}{4}$ of Lot 11 and Lot 12, Block 19, Original Plat, City of Tomah, being located in the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 4, T17N-R1W, City of Tomah, Monroe County, Wisconsin.



SURVEYOR'S CERTIFICATE

I, Garold A. Sime, do hereby certify that by the order and under the direction of Alexandra Matthews, I have surveyed and mapped the property shown hereon and that the within map is a true and correct representation of the exterior boundaries of the land surveyed and that I have fully complied with the provisions of Chapter AE - 7 of the Wisconsin Administrative Code to the best of my knowledge and belief.

Garold A. Sime

GAROLD A. SIME, PROFESSIONAL LAND SURVEYOR S-1261
 H. A. SIME & ASSOCIATES
 P. O. BOX 50
 TOMAH, WISCONSIN 54660

Field Survey: 11-16-16
 Map dated: 2-6-17

PLAT OF SURVEY

Located in the N $\frac{1}{4}$ of Lot 11 and Lot 12, Block 19, Original Plat, City of Tomah, being part of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 4, T17N-R1W, City of Tomah, Monroe County, Wisconsin.

File No. 5446

CITY OF TOMAH
819 SUPERIOR AVENUE
TOMAH WI 54660

(608)374-7423

Receipt No: 5.000932

Jul 27, 2023

ALEXANDRA MATTHEWS, DAVID DEPREY

Licenses & Permits - ZONING & USE PERMITS	125.00
01-44400 ZONING PERMITS & FEE	
<hr/>	
Total:	125.00
<hr/>	
CHECKS	125.00
Check No: 1579	
Payor: ALEXANDRA MATTHEWS	
Total Applied:	125.00
<hr/>	
Change Tendered:	.00
<hr/>	

07/27/2023 9:05 AM

**Tomah Comp Plan Update
Project Schedule**

Task	Timing
Complete Update of Appendix B and Data	December 2023
PC and CC Adopt PPP	January 2024
Online Survey	January 12-February 2
Complete Draft #1 Comprehensive Plan	February 23
Staff Review Meeting	March 5
LRPC Review Meeting	March
PC Review Meeting	March
Complete Final Draft Comprehensive Plan	April
Public Open House Review (OPTIONAL)	April
30-Day Public Hearing Notice	April-May
LRPC Adoption Meeting	May
PC Adoption Meeting	May
CC Public Hearing and Adoption Meeting	May
Post Adopted Plan to Website	May

CITY OF TOMAH COMPREHENSIVE PLAN PUBLIC PARTICIPATION PLAN

Section 1: Introduction

A key required component of Section 66.1001 of Wisconsin Statutes—the State’s comprehensive planning legislation—is actively involving community stakeholders as each local comprehensive plan is being developed, updated, or amended. Public participation helps to ensure that the resulting comprehensive plan accurately reflects the vision, goals, and values of citizens of the community.

Section 66.1001(4)(a) of Wisconsin Statutes requires the City of Tomah to adopt, by resolution, written procedures designed to foster public participation at every stage in the preparation or subsequent amendment of its comprehensive plan. The written procedures must provide for wide distribution of the comprehensive plan, an opportunity for the public to submit written comments on the plan, and provisions for local response to such comments. This document meets this statutory requirement. It serves to establish the procedures that will be used to consider and potentially adopt amendments to the City’s Comprehensive Plan.

Once this public participation plan is adopted by the City, it will continue to be valid, and it will apply to all amendments to the City’s Comprehensive Plan that are proposed and considered in the future.

Section 2: Major Goals of Public Participation Strategy

- Provide opportunities for the public to participate in processes to consider and adopt updates and amendments to the City’s Comprehensive Plan.
- Adopt plan updates and amendments that reflect the ideas, desires, and objectives of most residents and property owners.
- Meet both the letter and spirit of Wisconsin’s Comprehensive Plan legislation.
- Use the City’s Plan Commission and Long Range Planning Commission as a foundation for guiding the plan amendment process.
- Recognize that the goals expressed above must be balanced with the need to complete the comprehensive plan update and amendments within a reasonable timeframe.

Section 3: Selected Public Participation Techniques

The City will, at a minimum, use the following techniques to obtain public input during a plan update or amendment process:

- Provide an opportunity for public input via an online survey that will be distributed through City communication channels and posted on the City’s website.
- Ensure that all Plan Commission, Long Range Planning Commission, and City Council meetings to consider and adopt updates or amendments are open to the public and are noticed as required by State open meeting regulations.
- Provide an opportunity for public comment at each public meeting held on plan updates or amendments. Some meetings will be intended to encourage wide participation from the public. Other meetings are intended to be work sessions for the Plan Commission, Long Range Planning Commission, City Council, or some combination. The public comment period will be provided at either the beginning or end of each public meeting, or at one or more other parts of the meeting, at the discretion of the body. This will allow the Commission or Council to

concentrate on completing tasks without interruption, while still allowing the public an opportunity to observe and comment.

- Hold at least one formal public hearing on any proposed comprehensive plan updates or amendments and the adopting ordinance prior to adoption. All members of the public will have an opportunity to present testimony and offer comments at the public hearing. The public hearing will be noticed and held per the requirements of Wisconsin Statutes, Section 66.1001.

Section 4: Opportunities for Comments/Responses on Draft Comprehensive Plan Materials

The City will have available copies of draft plan materials on the City website and at City Hall during normal business hours. The City will also provide the draft and final plan to adjacent and overlapping governments and non-metallic mineral interests as required by statute, and to members of the participating public as requested. The City may charge for public copies an amount equal to the costs of time and materials to produce such copies.

Public comments will be solicited and responded to at every stage of the process. Written comments may also be delivered, mailed, or emailed to the City Clerk. The City will respond to written comments via telephone, email, mail, meeting, and/or through consideration of appropriate changes to the comprehensive plan, or to the proposed updates or amendments to the comprehensive plan.

XX,XX, 2024

News Release

For Immediate Release:

Contact:
Shane Rolff
City of Tomah
608-374-7429

City of Tomah Comprehensive Plan Update: Online Survey Opportunity

The City of Tomah has started on its 10-year update of the Comprehensive Plan, which was last significantly updated in 2013. The purpose of the plan is to provide a roadmap for the City's next twenty years. The plan touches on ten different topic areas including economic development, land use, transportation, historic preservation, natural resources, and several others. In addition, the document contains a community-wide vision, topic-specific goals, objectives, policies, and recommendations, and an action plan to help prioritize future projects.

An online survey has been created to gather community-wide input as the first step in the Comprehensive Plan update process. This survey is intended to gather input on land use, transportation, recreational, cultural, and natural resource assets, issues, and opportunities.

Next Steps:

- We encourage all community members to take the online survey which will help guide the development of the Comprehensive Plan. The survey will be open between January 12, 2024 through February 2, 2024. It will take approximately 10 minutes to complete, and all responses are anonymous. The survey is available online at <https://www.tomahwi.gov/>.

Additional information about the Comprehensive Plan Update is available by contacting Shane Rolff, Building Inspector/Zoning Administrator at srolff@tomahwi.gov or 608-374-7429.

1. What are the most significant challenges facing Tomah today and over the next 10 years? (Please fill in the blank)
2. How would you describe the current image of Tomah? What makes the community different or unique from neighboring communities? (Please fill in the blank)
3. What is your age?
 - a. Under 18
 - b. 18-24
 - c. 25-34
 - d. 35-44
 - e. 45-54
 - f. 65 and older
4. In what community do you currently live?
 - a. City of Tomah
 - b. Town of LaGrange
 - c. Town of Tomah
 - d. Monroe County (not in community list above)
 - e. Outside of Monroe County in WI
 - f. Other
5. What are the three most important reasons you and your family choose to live in the Tomah area?
 - a. Community services
 - b. Near job/work here
 - c. Property tax rates
 - d. Quality neighborhood
 - e. Cost of housing
 - f. Quality schools
 - g. Recreational opportunities
 - h. Low crime rate
 - i. Urban/city atmosphere
 - j. Natural beauty of area
 - k. Near family and friends
 - l. Other (please specify)
6. Overall, how would you rate the quality of life in the Tomah area?
 - a. Excellent
 - b. Good
 - c. Fair
 - d. Poor
7. Please indicate the top three changes you think would improve the quality of life in the Tomah area. (Please select three options)
 - a. Improve K-12 education
 - b. Improve post-secondary education opportunities
 - c. Improve recreational facilities
 - d. Increase diversity of housing types
 - e. Increase affordability of housing
 - f. Decrease taxes and fees
 - g. Improve road infrastructure
 - h. Improve utility service (including telecommunications)

- i. Increase employment opportunities
 - j. Expand retail shopping options
 - k. Improve community services
 - l. Improve quality of housing
 - m. Decrease crime rate
 - n. Improve bike and pedestrian facilities
 - o. Improve public transit
 - p. Other (please specify)
8. The City maintains a wide array of public facilities and infrastructure with a limited budget. How would you like the City to prioritize maintenance and construction investments? Please indicate our investment preferences based on your satisfaction with these public facilities (each was ranked More \$, Same \$, Less \$, No Opinion)
- a. Airport
 - b. Major Streets
 - c. Neighborhood streets
 - d. Sidewalks
 - e. Bike routes and trails
 - f. Lake access and improvements
 - g. City Hall
 - h. Public Library
 - i. Sanitary sewers and treatment systems
 - j. Stormwater management systems (sewers, ponds, etc.)
 - k. Public water supply
 - l. Other (if other, please specify or enter comments)
9. The City supports many public services with a limited budget. How would you like the City to prioritize spending on these services? Please indicate your spending preferences based on your satisfaction with these public services. (each was ranked More \$, Same \$, Less \$, No Opinion)
- a. Police protection
 - b. Emergency medical/ ambulance services
 - c. Inspections (building code enforcement)
 - d. General City-wide clean-up, etc.
 - e. Arts/Culture program funding
 - f. Recreational programs
 - g. Affordable housing
 - h. Historic preservation
 - i. Programs for the elderly
 - j. Programs for youth
 - k. Economic development
 - l. Yard waste/City composting
 - m. Other (if other, please specify or enter comments)
10. What is the approximate distance of your commute to work (total)?
- a. 0-3 miles
 - b. 3-5 miles
 - c. 5-10 miles
 - d. >10 miles
 - e. None-work from home

- f. None-retired
 - g. None-unemployed
11. Where is your place of employment?
- a. City of Tomah
 - b. Town of LaGrange
 - c. Town of Tomah
 - d. Monroe County (not in community listed above)
 - e. Outside of Monroe County, but in Wisconsin
 - f. Retired
 - g. At Home
 - h. Not Employed
 - i. Other
12. How often do you shop downtown?
- a. Never
 - b. Daily
 - c. Weekly
 - d. Monthly
 - e. Quarterly
 - f. At least once per year
13. How often do you leave the Tomah area to shop?
- a. Never
 - b. Daily
 - c. Weekly
 - d. Monthly
 - e. Quarterly
 - f. At least once per year
14. Please share your opinions about the supply of various retail and service businesses in the Tomah area (Need more, Have Enough, Have too much, Not Sure)
- a. Downtown retail shopping/services
 - b. Convenience retail/services in/near my neighborhood
 - c. Department and general merchandise stores
 - d. Boutique and specialty retail stores
 - e. Apparel and shoe stores
 - f. Fast-food restaurants
 - g. Sit-down restaurants
 - h. Grocery stores
 - i. Other (if other, please specify or enter comments)
15. What type of dwelling do you live in?
- a. Single-family home
 - b. Mobile home
 - c. Unit in a duplex
 - d. Unit in a building with 3+ units
 - e. Unit in an assisted living facility
 - f. Other (please specify)
16. Do you rent or own your dwelling?
- a. I own my home
 - b. I rent or lease my home

17. Please share your opinions about the supply of various housing types in the Tomah area. (Need more, have enough, have too much, not sure)
- a. Single-family housing
 - b. Mobile home parks
 - c. Duplexes (2 units)
 - d. Apartments (Studio/efficiency)
 - e. Apartments (3+ bedrooms)
 - f. Townhomes and condominiums
 - g. Affordable Housing
 - h. Senior condominiums and apartments
 - i. Assisted living facilities for seniors
 - j. Starter (first time buyer) homes
 - k. Executive (high-end) homes
 - l. Downtown upper-story living
18. Which of the following aspects of housing is most important to improve in the Tomah area?
- a. Housing Supply
 - b. Housing Cost
 - c. Housing Quality
 - d. No Opinion
19. What type of residential neighborhood make-up should be prioritized?
- a. **Homogenous** (similar house & lot sizes, costs, housing types)
 - b. **Mixed** (mix of lot & house sizes, costs, housing types)
 - c. Some neighborhoods that are **homogenous and** some that are **mixed**
20. What land use types should Tomah prioritize over the next decade?
- a. Increase residential
 - b. Increase commercial/office/retail
 - c. Increase mixed use (commercial and residential)
 - d. Increase manufacturing and light industrial
 - e. Increase green space and natural areas
 - f. Seek balanced growth of each
21. Should the City offer financial incentives to encourage development and investment? (yes, no, it depends)
- a. For residential
 - b. For retail businesses
 - c. For non-retail employers
 - d. In the downtown area
 - e. On vacant infill sites outside the downtown area
 - f. On undeveloped land (eg farmland)
22. What should the City's top priority be for the next 10 years? (Please fill in the blank)

PLAN COMMISSION RESOLUTION -
RECOMMENDING THE ADOPTION OF A PUBLIC PARTICIPATION PLAN
FOR THE CITY OF TOMAH, WISCONSIN

WHEREAS, the City of Tomah on September 19, 2013, adopted the City of Tomah Comprehensive Plan, under the authority of and procedures established by §66.1001(4), Wisconsin Statutes; and

WHEREAS, that 2013 Comprehensive Plan document advises both the regular Plan Commission update of the Comprehensive Plan, as well as the ability to respond to unique circumstances which arise in relation to the Comprehensive Plan which are distinct from the regular plan review process, and to enable the City’s consideration of potential updates or amendments where the Plan becomes irrelevant or contradictory to emerging policy or trends; and

WHEREAS, §66.1001(4)(a), Wisconsin Statutes, requires that the governing body of the local governmental unit adopt written procedures designed to foster public participation at every stage of the comprehensive plan preparation or amendment process, and that such written procedures shall provide for wide distribution of draft plan materials, an opportunity for the public to submit written comments on the plan materials, and a process for the governing body to respond to such comments; and

WHEREAS, the City of Tomah believes that meaningful public involvement in processes designed to consider and adopt updates or amendments to its Comprehensive Plan is important to assure that the resulting Plan meets the wishes and expectations of the public; and

WHEREAS, the attached “City of Tomah Comprehensive Plan Public Participation Plan” includes procedures to foster public participation, ensure distribution of draft plan materials, provide opportunities for written comments on such materials, and provide mechanisms to respond to such comments.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Tomah hereby recommends that the City Council adopt a resolution to constitute official City approval of the attached “City of Tomah Comprehensive Plan Public Participation Plan” as required under §66.1001(4)(a), Wisconsin Statutes.

Adopted this Xth day of X, 2024.

Mike Murray, Mayor and Plan Commission Chair

Becki Weyer, City Clerk

Sec. 52-10. Use restrictions and performance standards.

The following restrictions and regulations shall apply:

- (1) *Principal uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - a. Accessory uses and structures may be allowed where they comply with the following conditions and requirements:
 1. Size of accessory structures in residential districts. Accessory structures in residential districts on lots less than or equal to one acre in size may not occupy more than 1,200 square feet or ten percent of the lot area, whichever is smaller. Accessory structures in residential districts on lots greater than one acre in size may not occupy more than 2,400 square feet or ten percent of the lot area, whichever is smaller. The measurement of accessory structure size shall include the total of all detached accessory buildings on the lot.
 2. No detached accessory structure shall exceed 20 feet in height.
 3. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
 4. All accessory structures which are attached to the principal building shall comply with the yard requirements of the principal building except for open decks. Open decks (without a roof or enclosure) may not exceed one-half the distance of the required front, side and rear yard setbacks for the zoning classification of the property.
 - b. *Unclassified or unspecified uses.* Unclassified or unspecified uses may be permitted by the plan commission after the commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - c. *Temporary uses.* Temporary uses, such as real estate sales field offices or shelters for equipment and materials being used in the construction of a permanent structure, may be permitted by the zoning inspector.
- (2) *Performance standards.* Performance standards as listed in section 52-208 shall be complied with by all uses in all districts.

(Code 1993, § 17.14; Ord. No. 2008-02-03-C, § 1, 2-12-2008; Ord. No. 2019-08-07-D, § 1, 8-13-2019; Ord. No. 2023-05-05-D, § 1, 5-16-2023)

Accessory Structures Building Heights – **Tomah** shall not exceed 20 ft in height

New Lisbon –

Not exceed the height of the principal structure

Sparta –

Max height of 20 ft

Baraboo –

One & two family - Max height of 15 ft

3+ - Max height of 20 ft

Manufactured home park district max height of 10 ft

SM –

<=100 square ft or less shall not exceed 12 feet in height. Walls shall not exceed 8ft in height.

>100 sq ft shall not exceed 15 ft in height. Walls shall not exceed 10 ft in height.

OC –

Max height of 12 ft not to exceed 400 sq ft

Ladysmith –

Accessory buildings shall not exceed fifteen (15) feet in height

Stoddard –

No more than 15ft in height – Accessory buildings used for storage purposes shall not be larger than 168 sq ft with maximum height of 8 ft

DeForest –

Max of 15 ft

Holmen –

Max of 15 ft

Sec. 52-209. Fences and hedges.

(a) *Permits.* No person shall erect or construct any fence on any premises in the city without first obtaining a permit. Applicant for such permit shall provide a property survey map bearing the seal and signature of a Wisconsin Professional (Registered) Land Surveyor showing the applicant's property ownership line(s) and monuments marking the corners of the property. A sketch showing known lot lines (as evidenced by survey monuments), fence location and design shall accompany the application for such permit. The building inspector shall approve the application before construction.

(b) *Requirements.*

- (1) No fence exceeding three feet in height shall be erected, constructed or maintained in front of the setback line for principal buildings on any premises within a residential district.
- (2) Property owners shall locate fences no closer than two feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owners property. This requirement can be waived if a maintenance free fence is installed. A property survey which identifies both the boundaries of the property and the location of the proposed fence is required to obtain a building permit.

Property survey: Property lines that have been determined and defined by a Wisconsin professional land surveyor, marked on the ground by monuments at the property corners and delineated on a signed and sealed map using minimum standards as defined by AE-7 of the Wisconsin Administrative Code.

- (3) On any corner lot where a front or side yard is required or provided, no fence, hedge or other obstruction shall be placed so as to interfere with clear vision from one street to the other across the corner. See traffic visibility provisions in section 52-114.
- (4) No fence exceeding six feet in height shall be erected, constructed or maintained on any premises in a residential zoning district. Security fences are permitted in all districts except residential districts, but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing. Fences exceeding six feet in height to a maximum height of eight feet installed for the purpose of providing visual screening for onsite utilities, dumpsters, or similar items may be allowed by the plan commission. Swimming pool fences are covered in section 52-210. Chain link or metal wire fences shall not exceed four feet in height on properties with residential uses.
- (5) No barbed wire or electric fence under six feet in height shall be permitted within the city, except when used for agricultural purposes. Any barbed wire or electric fence over six feet in height shall be approved by the building inspector prior to construction.
- (6) Any fence which exists at the time of the passage of the ordinance from which this chapter is derived, but does not conform with the provisions thereof, shall not be altered or enlarged without making the entire fence conform with the provisions of this section.
- (7) Any fence constructed so as to make it impassible for the reading of gas, electrical and water meters shall have a gate which gives access to them without entering through any building.

(Code 1993, § 17.72(1); Ord. No. 2012-09-07-D, § 1, 9-11-2012; Ord. No. 2017-12-17-D, §§ 2, 3, 12-12-2017; Ord. No. 2021-01-01-D, 1-12-2021; Ord. No. 2021-01-01-D, 1-12-2021)

Sec. 52-231. Airport regulations.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Bloyer Field Airport located in Section 3, Town 17N, Range 1W, Monroe County, Wisconsin.

Airport hazard means any structure or object of natural growth which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Nonconforming use means any structure or tree which does not conform to a regulation prescribed in this chapter or an amendment thereto as of the effective date of such regulation.

Person means any individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

Runway means a level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Structure means any object constructed or installed by man.

Trees does not include shrubs, bushes or plants which do not grow to a height of more than 20 feet.

- (b) *Zones.* All zones established by this section are as shown on the map, dated October 31, 1990, entitled, "Height Limitation Zoning Map, Bloyer Field Airport, Tomah, Wisconsin", which is hereby adopted as part of this chapter and is on file with the city clerk.
- (c) *Height limitation zones.* Except as otherwise provided in this chapter, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the map referred to in subsection (b) of this section.
- (d) *Exceptions.* The restrictions contained in subsection (c) of this section shall not apply to objects which are less than 35 feet in height above ground level at the object site within one-half mile of the airport boundary, to structures less than 50 feet in height above ground within the area beginning one-half mile from the airport boundary or to structures less than 100 feet in height above ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.
- (e) *Nonconforming uses.*
- (1) *Not retroactive.* The regulations prescribed in this section shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by subsection (g)(2) of this section.
 - (2) *Changes.* Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure if the construction or alteration of such was begun prior to the effective date of the ordinance from which this section is derived and if such is diligently prosecuted.
 - (3) *Removal.* This article shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.
- (f) *Administration.* The airport manager shall administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the building inspector upon a form furnished by him. Applications which are by this section to be decided by the airport committee shall be granted or denied within 15 days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications for action by the board of appeals shall be immediately transmitted by the airport

committee to the board of appeals for hearing and decision. There shall be no charge for applications or permits.

(g) *Permits.*

- (1) *Future structures.* No structure shall hereafter be constructed, erected or installed or be permitted to remain in any zone created by subsection (b) of this section until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the airport manager, except structures less than 35 feet in height above the ground and within one-half mile of the airport boundary, structures less than 50 feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and structures less than 100 feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the building inspector to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the building inspector shall issue the permit applied for.
- (2) *Existing uses.* Before any nonconforming structure may be replaced, altered or rebuilt, a permit shall be applied for and secured in the manner prescribed by subsection (1) of this section authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of the ordinance from which this section is derived or when the application for permit was made.
- (3) *Temporary uses.* Zoning Administrator will review and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed 30 days. Compliance with all other provisions of this article shall be required.

(h) *Appeals and review.*

- (1) *Variations.* Upon appeal in special cases the board of appeals may, after investigation and public hearing, grant such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this section would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this chapter and does not create a hazard to the safe, normal operation of aircraft.
- (2) *Aggrieved person.* Any person aggrieved or affected by any decision or action of the building inspector made in his administration of this article may appeal such decision or action to the board of appeals.
- (3) *Procedure.* Any appeal taken pursuant to this article shall be in conformity with the procedure established by Wis. Stats. § 62.23(7)(e).

(Code 1993, § 17.75)

Sec. 52-74. Validity.

Permits issued hereunder are valid only as to approved use. ~~and are not transferable without the approval of the plan commission and city council.~~

(Code 1993, § 17.31(6); Ord. No. 2022-03-09-D , § 4, 3-15-2022)

Sec. 52-82. - Industrial and agricultural uses.

e. Furnishing a policy of liability insurance in form approved by the city attorney naming the city as an additional insured with policy limits approved by the ~~common council.~~ **Plan Commission.**

h. Facilities may not include offices, longterm vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are not needed to send or receive transmissions as reasonably determined by the ~~city council.~~ **Plan Commission.**

Sec. 52-116. - Parking requirements.

(10) Parking lots not on the same parcel or lot as principal use or parking lots which require the moving or demolition of structures. In addition to meeting the other requirements set forth in this section, parking lots in all zoning districts except the light industrial and heavy industrial districts for the parking of motor vehicles which are not on the same original parcel or original lot, whether on record or not, as that of the principal use, or which necessitate the moving or demolition of any structure or building, shall require the granting of a conditional use permit by the ~~common council~~ **Plan Commission.** The application for such conditional use permit shall state the location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings, the size of the parking lot, the purpose of the parking lot, and such other information as may be required by the planning commission. In determining whether to grant such conditional use permit, the planning commission shall consider any decrease in neighborhood values by permitting such use, any landscaping, drainage, or site plans of such proposed parking lot and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall comply with [section 52-209](#) for fence installation and shall run from the front set back line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the city clerk's office.