



## **AGENDA FOR PLANNING COMMISSION MEETING NOTICE**

A Planning Commission meeting will be held on **Thursday, May 25, 2023 at 5:30 PM**  
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

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### **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**

[April 2023 Minutes](#)

### **PUBLIC HEARING**

1. [Public hearing, Sec. 52-116, to consider amendments to Parking Requirements](#)
2. Discussion and recommendation on ordinance change for Sec. 52-116.

### **CERTIFIED SURVEY MAP**

1. [Review/Approval of, Certified Survey Map \(CSM\) for Brian Buswell. Description: Lots 1-6, 13-15, 17-25 & Outlot 1: also Part of Lots 7-12 and 26, Willow Lake Addition; Vacated Warren Street, Vacated Heeler Avenue; Located in the NW 1/4 - SE 1/4, SW 1/4 - SE 1/4, NE 1/4 - SE 1/4, Section 28, T18N-R1W, City of Tomah, Monroe County, WI](#)

### **DISCUSSION ITEMS**

1. [Discussion and Recommendation on Ordinance 4-97 thru 4-102 Amendment and Repeal of 4-133 thru 4-138](#)
2. [Discussion and Recommendation on Ordinance 6-1 thru 6-3 Amendment](#)

### **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 was held on **Thursday, April 27, 2023 at 5:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

**Bryan Meyer called the meeting to order at 5:30 PM**

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## **ROLL CALL**

Present: Bryan Meyer, John Glynn, Eric Prise and Tina Thompson. Also present: Shane Rolff and Travis Scholze. Absent: Adam Gigous, Mike Murray and Brian Rice.

## **ELECT VICE CHAIR**

Motion made by JG to nominate Bryan Meyer as Vice Chair. No other nominations. All ayes. Motion carried.

## **APPROVAL OF MEETING MINUTES**

Motion by Prise, second by Thompson to approve March 2023 meeting minutes. All ayes. Motion carried.

## **PUBLIC HEARING**

Public hearing, Sec. 52-10 (1)(a)(4), to consider amendments Use Restrictions and Performance Standards.

Public hearing opened at 5:31 PM. Rolff gave a brief overview of ordinance amendment. No one from the public wished to speak. Public hearing closed at 5:33PM.

Discussion and recommendation on ordinance change for Sec. 52-10 (1)(a)(4).

Rolff stated a couple builders have inquired about the ordinance. Motion made by EP seconded by JG to approve the ordinance amendment. All ayes. Motion carried.

## **DISCUSSION ITEMS**

- A. Discussion and Recommendation on Ordinance 4-97 thru 4-102 Amendment and Repeal of 4-133

Item moved to May meeting. No quorum with TT abstaining.

- B. Discussion and Recommendation on Ordinance 6-1 thru 6-3 Amendment

Item moved to May meeting. No quorum with TT abstaining.

- C. Site Plan Review/Approval: 600 Sime Ave

Rolff went over site plan checklist. Finished grade will be recycled blacktop. Meets all requirements. Motion made by EP second by TT to approve site plan as presented. All ayes. Motion carried.

- D. Certificate of Appropriateness: 1408 Superior Ave

Was not discussed as the commission did not receive the required information.

- E. Site Plan Review/Approval: 1408 Superior Ave

Was not discussed as the commission did not receive all of the required information.

- F. Discussion on amending 52-116 Parking Requirements

Rolff went over changes to the ordinance. Ordinance will be a public hearing in May. Pete Thorson asked a question on whether the new language will bring non compliant parking lots into compliance. Rolff stated some may now be complaint.

## **ADJOURNMENT**

Motion made by EP seconded by TT to adjourn at 5:44 PM.

ORDINANCE NO. \_\_\_\_\_

Ordinance Amending Section 52-116 of the City of Tomah  
Municipal Code

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

**SECTION ONE:** Section 52-116 of the City of Tomah Municipal Code is hereby amended to read as follows:

All new nonresidential parking lots in excess of four stalls and all alterations of existing lots shall be subject to the approval of the Planning Commission. Request for such parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts there shall be provided, at the time any use of building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

- (1) Adequate access to a public street shall be provided for each parking space. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: 11 feet for 30-degree parking; and 20 feet for 90-degree parking. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street. Driveways shall be at least 10 feet wide for one-and two-family dwellings and a minimum of 20 feet for all other uses.

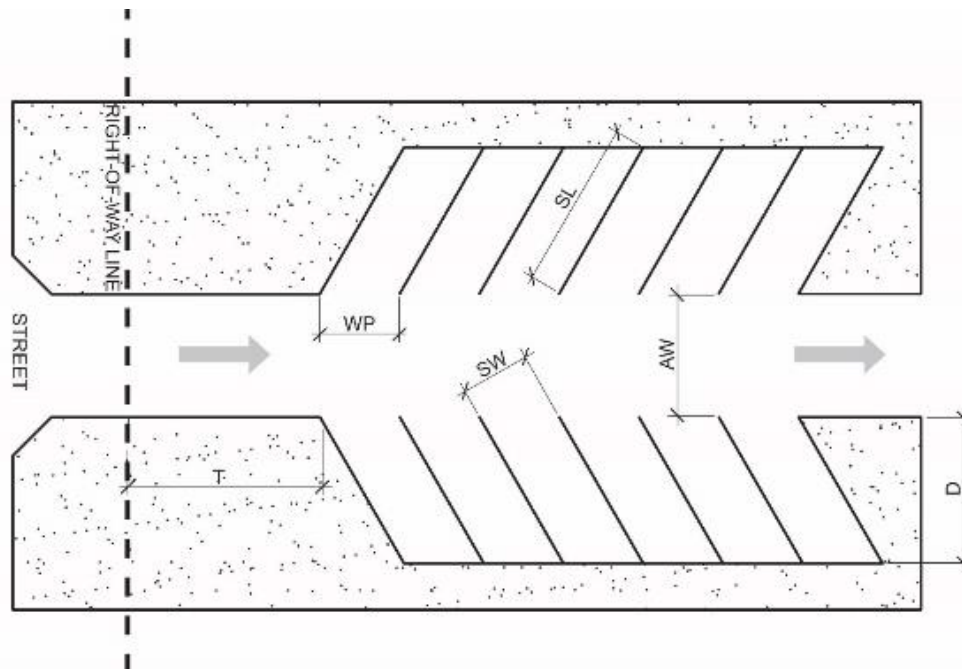
**Figure X: Parking Layout Dimensions**

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	20'	12'6"	10'3"	9'3"	9'
Stall Depth to Wall (D) <sup>1</sup>	9'	18'	18'	18'	18'
Stall Length (SL)	18'	25'	22'	20'	18'6"
Aisle Width for 1-way traffic flow (AW)	14'	14'	16'	23'	24'
Aisle Width for 2-way traffic flow with angled parking	24'	24'	24'	24'	24'
Throat Length (right-of-way to parking angle) (T) <sup>2</sup>	Figure X				

Notes:

<sup>1</sup>Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.

<sup>2</sup>In no case shall the throat length be less than the required setback.



- (2) Size of each parking space shall not be less than 162 square feet (9 feet by 18 feet), exclusive of the space required for ingress and egress. The Zoning Administrator may authorize up to 10% of the required number of parking stalls be sized for compact cars and electric vehicles (8 feet by 16 feet).
- (3) Location shall be on the same lot as the principal use or not over 400 feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the county register of deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served.
- (4) All off-street parking areas shall be an improved surface. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked and shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed half a footcandles measured at the lot line.
- (5) Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines in all non-residential districts and for any residential development with five or more units.
- (6) The number of parking stalls required is shown in the following table. Where floor space is indicated in the table below as a basis for determining the amount of off-street parking required, it shall mean the gross floor area inside the exterior walls, unless specified otherwise with the standard.

Single-family dwellings	2 stalls for each dwelling unit and mobile home
Multifamily dwellings (senior/elderly housing)	1 stall per dwelling unit*, plus 1 stall for each employee on the largest work shift. *less resident parking may be approved based on demonstrated demand for the target resident population, down to a minimum of 0.5 stalls per unit.
Multifamily dwellings (except senior/elderly housing)	Studio – 1 stall per dwelling unit 1 Bedroom – 1.5 stalls per dwelling unit 2+ Bedroom – 2 stalls per dwelling unit
Hotels, motels	1 stall for each guest room-plus 1 stall for each employee on the largest work shift
Hospitals, clubs, lodges, sororities, dormitories, lodging houses and boardinghouses	1 stall for every 2 beds, plus 1 stall for each employee on the largest work shift
Sanitariums, institutions, rest homes and nursing homes	1 stall for every 5 beds, plus 1 stall for each employee on the largest work shift
Medical and dental clinics	1 stall per 300 square feet of floor area
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public places of public assembly	1 stall for every 5 seats at maximum capacity
Colleges, secondary and elementary schools	1 stall for every 2 employees
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for every 200 sq. ft. of floor area used for customer seating, or 1 stall for every 3 seats available for customers, whichever is greater
Automotive repair garages and stations	1 stall per employee on the largest work shift, plus 1 stall for each service bay
Manufacturing and processing plants, laboratories and warehouses	1 stall for each full-time equivalent employee on the largest work shift, plus 1 stall for each vehicle owned by the business and stored at the site
Retail and service stores, financial institutions; business, governmental and professional offices	1 stall for every 300 sq. ft. of floor area
Funeral homes, mortuaries and similar-type uses	1 stall for every 4 seats and 1 stall for each vehicle used in the business
Bowling alleys	5 4 stalls for each alley, plus 1 additional stall for each 200 square feet used for retail or restaurant purposes
Day care centers and other similar facilities for children or adults	1 stall per employee on the largest work shift, plus 1 stall per 10 students or persons licensed to attend

- (7) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply or the Zoning Administrator may rely on standards and parking ratios that appear in most recent edition of the Institute of Traffic Engineers Parking Generation Manual.
- (8) Combined uses. Combinations of any of the above uses shall provide a minimum of 80% of the sum of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than 80% of the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
- The proposed joint parking space is within 400 feet of the use it will serve.
  - The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
  - A properly drawn legal instrument approved by the common council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the city clerk. Said instrument may be a three-party agreement, including the city and all private parties involved. Said instrument shall first be approved by the city attorney.
- (9) In addition to any other requirements relating to parking spaces contained in the Code, the provisions contained in Wis. Stats. §§101.13, 346.503 and 346.56, and any Wisconsin Administrative Code sections adopted pursuant thereto, are adopted by reference and made applicable to all parking facilities whenever constructed.

- (10) Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged or changed to create a need for an increase to the extent of 50 percent or more in the floor area or required parking spaces, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (11) 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. 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 plan commission. In determining whether to grant such conditional use permit, the plan commission shall consider any decrease in neighborhood values by permitting such use, any landscaping, drainage, or site plan 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 setback 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.
- (12) Downtown parking minimum reduction. The plan commission may reduce the number of required minimum parking stalls for new construction, and expanding portions of, commercial uses on a case-by-case basis within the downtown study area, as identified in the downtown master plan. The plan commission will consider the current availability of on-street parking and municipal parking lots in the vicinity of the development site, and the proposed intensity and uses of the development. The conditions of approval of this parking reduction shall be incorporated into a site plan or site plan revisions submitted to the city for approval.
- (13) Exceptions.
- a. The plan commission may authorize exceptions to the parking standards or other requirements of this section where the applicant can demonstrate that the proposed use will generate less parking demand than the parking standard requirements, or where an exception from the requirements would result in a site plan and development that would benefit the City and be consistent with the intent of this section. An applicant requesting an exception to the parking requirements shall be required to demonstrate and document the projected parking demand based on an analysis of similar or comparable uses;
  - b. The plan commission may require additional parking stalls where it is determined that the proposed use is likely to generate a demand for more parking stalls than this chapter would require;
  - c. The plan commission may also require less parking where it is determined that the number of stalls required by this section will exceed the demand;
  - d. In granting exceptions to the parking standards, the plan commission may grant conditional exceptions, subject to future review and reconsideration.

**SECTION TWO:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE:** This ordinance shall take effect upon passage and publication.

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Michael Murray, Mayor

ATTEST:

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Rebecca Weyer, City Clerk

READ:

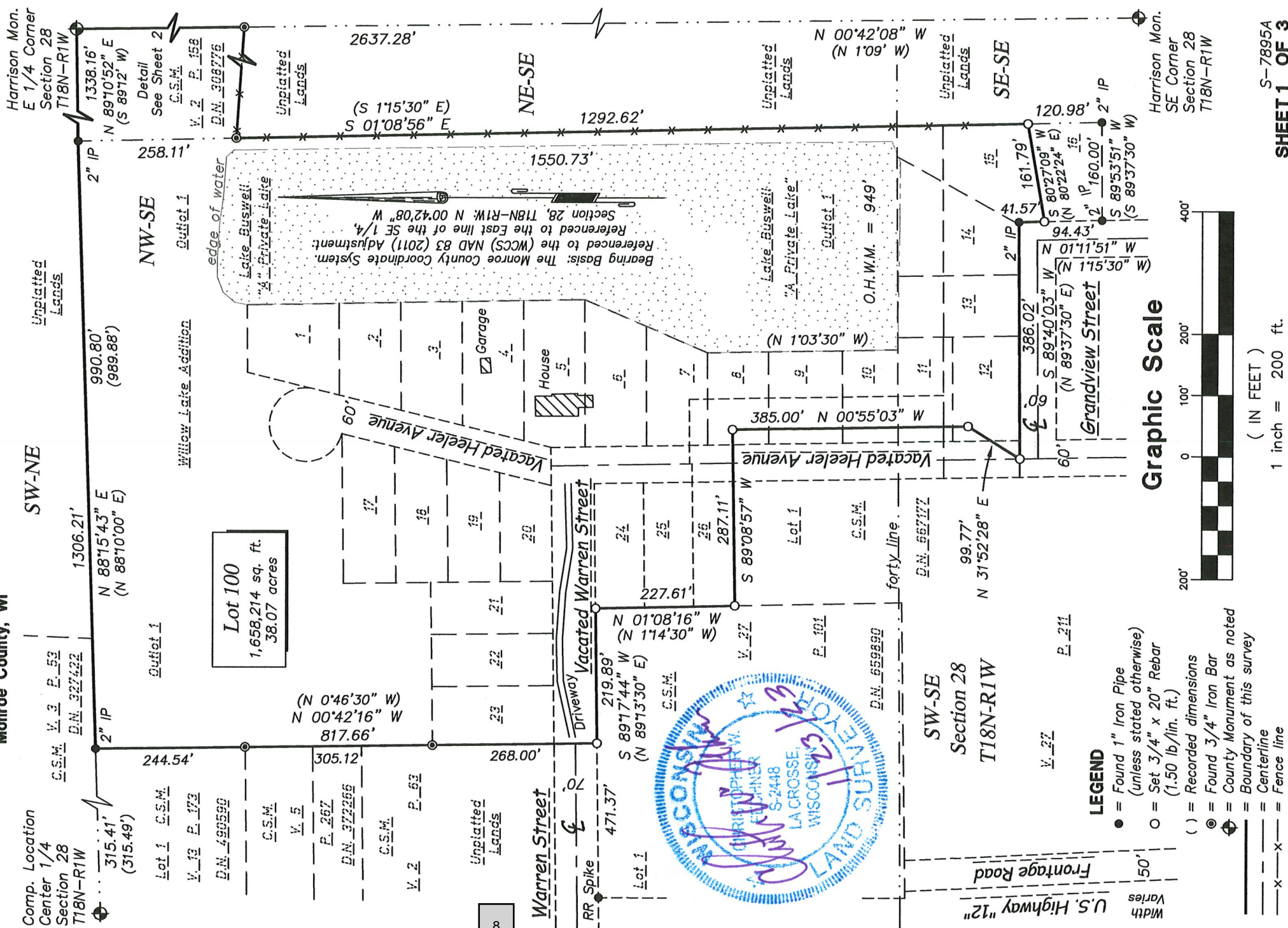
PASSED:

PUBLISHED:



# CERTIFIED SURVEY MAP No. \_\_\_\_\_ ALL OF \_\_\_\_\_

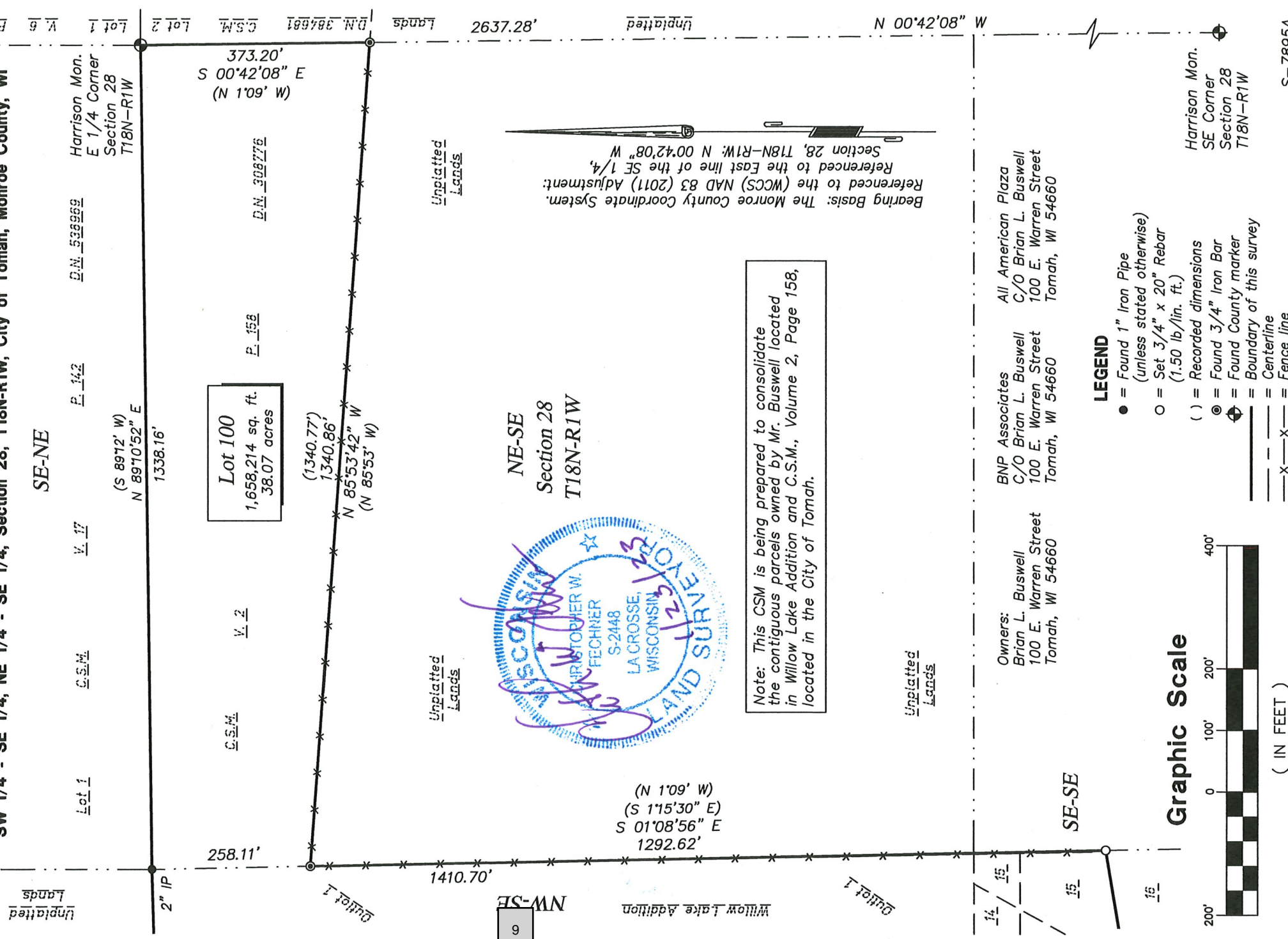
Certified Survey Map, Volume 2, Page 158, Document Number 308776;  
Lots 1, 2, 3, 4, 5, 6, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25 & Outlot 1:  
also Part of Lots 7, 8, 9, 10, 11, 12, 26, Willow Lake Addition; Vacated  
Warren Street, Vacated Heeler Avenue; Located in the NW 1/4 - SE 1/4,  
SW 1/4 - SE 1/4, NE 1/4 - SE 1/4, Section 28, T18N-R1W, City of Tomah,  
Monroe County, WI





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_ ALL OF

Certified Survey Map, Volume 2, Page 158, Document Number 308776;  
Lots 1, 2, 3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25 & Outlot 1:  
also Part of Lots 7, 8, 9, 10, 11, 12, 26, Willow Lake Addition; Vacated  
Warren Street, Vacated Heeler Avenue; Located in the NW 1/4 - SE 1/4,  
SW 1/4 - SE 1/4, NE 1/4 - SE 1/4, Section 28, T18N-R1W, City of Tomah, Monroe County, WI



# CERTIFIED SURVEY MAP No. \_\_\_\_\_ ALL OF

Certified Survey Map, Volume 2, Page 158, Document Number 308776;  
Lots 1, 2, 3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25 & Outlot 1;  
also Part of Lots 7, 8, 9, 10, 11, 12, 26, Willow Lake Addition; Vacated  
Warren Street, Vacated Heeler Avenue; Located in the NW 1/4 - SE 1/4,  
SW 1/4 - SE 1/4, NE 1/4 - SE 1/4, Section 28, T18N-R1W, City of Tomah, Monroe County, WI

## SURVEYOR'S CERTIFICATE

I, Christopher W. Fechner, Professional Land Surveyor, do hereby certify that I have surveyed and mapped this Certified Survey Map being all of Certified Survey Map, Volume 2, Page 158, Document Number 308776; Lots 1, 2, 3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, Outlot 1; also part of Lots 7, 8, 9, 10, 11, 12, 26, Willow Lake Addition, Vacated Warren Street, Vacated Heeler Avenue; all located in the NW 1/4 of the SE 1/4, SW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4, Section 28, T18N-R1W, City of Tomah, Monroe County, Wisconsin described as follows:

Beginning at the East 1/4 corner of Section 28, thence, along the East line of the SE 1/4, S 00°42'08" E 373.20 feet to the southeast corner of Certified Survey Map, Volume 2, Page 158, Document Number 308776; thence N 85°53'42" W 1340.86 feet to the southwest corner of said Certified Survey Map, the East line of the NW 1/4 of the SE 1/4, also being the East line of Outlot 1, Willow Lake Addition;  
thence, along the East line of said NW 1/4 of the SE 1/4 and the SW 1/4 of the SE 1/4, S 01°08'56" E 1292.62 feet to the southeast corner of Lot 15, Willow Lake Addition;  
thence S 80°27'09" W 161.79 feet to the southwest corner of said Lot 15 and the East right-of-way line of Grandview Street;  
thence, along said East right-of-way line, N 01°11'51" W 41.57 feet to the North right-of-way line of said Grandview Street;  
thence, along said North right-of-way line, S 89°40'03" W 386.02 feet to the East line of Lot 1, Certified Survey Map, Volume 27, Page 211, Document Number 667177;  
thence, along said East line, N 31°52'28" E 99.77 feet;  
thence, continuing along said East line, N 00°55'03" W 385.00 feet to the northeast corner of said Lot 1;  
thence, along the North line of said Lot 1, S 89°08'57" W 287.11 feet to the west line of Lot 26 of said Willow Lake Addition;  
thence, along the West line of Lot 24, Lot 25, and Lot 26 of said Willow Lake Addition, N 01°08'16" W 227.61 feet to the northwest corner of said Lot 24 and the South right-of-way line of vacated Warren Street;  
thence, along said Vacated South right-of-way line, S 89°17'44" W 219.89 feet to the southerly prolongation of the West line of said Willow Lake Addition;  
thence, along said southerly prolongation and the West line of said Willow Lake Addition, N 00°42'16" W 817.66 feet to the northwest corner of said Outlot 1, Willow Lake Addition and the North line of said NW 1/4 of the SE 1/4;  
thence, along said North line, N 88°15'43" E 990.80 feet to the northeast corner of said NW 1/4 of the SE 1/4, the northeast corner of said Outlot 1 and the northwest corner of Certified Survey Map, Volume 2, Page 158, Document Number 308776;  
thence, along the North line of said Certified Survey Map, also being the North line of the NE 1/4 of the SE 1/4, N 89°10'52" E 1338.16 feet to the point of beginning of this description.

Subject to any easements, covenants and restrictions of record.

That I have made such survey, map and division of land at the direction of Brian Buswell, owner of said land.

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

That I have fully complied with the provisions of s.236.34, Wisconsin Statutes, Chapter 35 of the Monroe County Code of Ordinances and with the subdivision ordinances of the City of Tomah in surveying and mapping the same.

Christopher W. Fechner PLS #2448  
Coulee Region Land Surveyors, LLC  
917 S. 4th Street  
La Crosse, WI 54601  
608-784-1614

### City of Tomah Approval:

Resolved, this Certified Survey Map is hereby approved by the City of Tomah, Monroe Co., WI.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

City Clerk \_\_\_\_\_ Date \_\_\_\_\_





## ORDINANCE NO. \_\_\_\_\_

### Ordinance Amending Section 4-97 thru 4-102 of the City of Tomah Municipal Code

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

**SECTION ONE:** Section 4-97 of the City of Tomah Municipal Code is hereby amended to read as follows:

Any retail class B license issued shall limit and restrict the consumption of fermented malt beverages and intoxicating liquors as defined in Wis. Stats. Ch. 125 to the building premises so defined on the liquor license application unless, prior to the application of a liquor license or renewal thereof, approval has been obtained from the Committee of the Whole for an outdoor facility.

**SECTION TWO:** Section 4-98 of the City of Tomah Municipal Code is hereby amended to read as follows:

The application to the City Clerk shall be accompanied by the application fee established by the city council, together with a site and landscape plan of the entire parcel showing the outdoor facility, designating its location with respect to the main premises and other buildings on the site, designating entrances and exits of both the main structure and outdoor facility, and the location of the outdoor facility with respect to buildings on adjoining sites. The application shall also include such other information as the City Clerk may require to ensure compliance with this Code.

**SECTION THREE:** Section 4-99 Requirements for outdoor facilities of the City of Tomah Municipal Code is hereby amended to read as follows:

- (1) *Entrance and exits.* The fire department and building inspector shall review the entrance and exit systems to ensure that the same are code compliant. In addition, the entrance and exit from the site shall have an alarm system meeting the requirements of the building inspector and chief of police to ensure that the staff inside the parent building will be immediately notified if the entrance or exit has been utilized.
- (2) *Use of right-of-way; setback.* No outdoor area shall be located on a dedicated public right-of-way or within 20 feet thereof. Exceptions may be requested for those lots not able to accommodate the 20-foot minimum setback requirement.
- (3) *Video monitoring.* An operating video camera monitoring system shall be installed in the outdoor area.
- (4) *Fencing and lighting.* The outdoor area shall be enclosed with a fence. The requirements for location, height and style shall meet the minimum requirements as directed by the Committee of the Whole after due consideration is made to the site location and any other pertinent factors specific to the site. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (5) *Location.* In the event the location of the outdoor area is within 300 feet of property zoned residential, conditions shall be instituted to ensure that such area does not significantly compromise the uses, values and enjoyment of such residential property within the neighborhood of the proposed site.
- (6) *Overall appearance and size.* The overall appearance must meet the downtown standards requirements if applicable or otherwise required by the Committee of the Whole. The outdoor area must be patrolled for trash and cleaned on a daily basis.
- (7) *Tables, chairs, and trash receptacles.* A seating plan shall be submitted and reviewed by the Building Inspector/Fire Chief. The Building Inspector and/or Fire Chief shall provide a calculated occupant load for the area. The occupant load shall be clearly posted. Trash receptacles will be required.

- (8) *Liquor availability.* The availability of liquor shall be consistent with the liquor license of applicant. The liquor license must be amended to include the outdoor area as part of the premises.
- (9) *Surface and materials.* The outdoor area should be on a hard surface; however, exceptions may be granted upon approval by the Committee of the Whole and after due consideration is made to the site location and any other pertinent factors specific to the site. Any and all building materials for structures thereon shall meet the requirements of the Committee of the Whole.
- (10) *Hours of operation.* An outdoor facility shall only be operated during the hours as designated per Wisconsin State Statute for Class B alcohol beverage licenses.

**SECTION FOUR:** Section 4-100 of the City of Tomah Municipal Code is hereby amended to read as follows:

The Committee of the Whole shall conduct a public hearing and make a recommendation to the city council. Notice shall be given by ordinary mail of the proposed establishment of an outdoor facility to the owners of property immediately adjacent to the area to be considered for the new use extending 300 feet therefrom and to the owners of properties extending 300 feet from the street frontage of the opposite property and also by a class 1 publication in the official newspaper.

**SECTION FIVE:** Section 4-101 of the City of Tomah Municipal Code is hereby amended to read as follows:

After hearing, the Committee of the Whole shall make a recommendation to the city council. The recommendation shall recommend either approval without special conditions, approval with special conditions, or denial.

**SECTION SIX:** Section 4-102 of the City of Tomah Municipal Code is hereby amended to read as follows:

Upon recommendation from the Committee of the Whole, the City Council shall consider the application and any special conditions recommended by the Committee of the Whole. If final approval is granted by the City Council, a special use permit shall be issued with any restrictions stated thereon. Any violation of the stated restrictions shall subject the special use permit to automatic revocation without further notice or public hearing.

**SECTION SEVEN:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION EIGHT:** This ordinance shall take effect upon passage and publication.

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Michael Murray, Mayor

ATTEST:

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Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

**ORDINANCE NO. \_\_\_\_\_**

**Ordinance Repealing Division 4 Cabaret Licenses (Sections 4-133 through 4-138)  
of the City of Tomah Municipal Code**

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

**SECTION ONE:** Division 4 Cabaret Licenses (Sections 4-133 through 4-138) is hereby repealed.

**SECTION TWO:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION THREE:** This ordinance shall take effect upon passage and publication.

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

## ORDINANCE NO. \_\_\_\_\_

### Ordinance Amending Sections 6-1 and 6-3 of the City of Tomah Municipal Code

The Common Council of the City of Tomah, Monroe County, Wisconsin, do ordain as follows:

#### **SECTION ONE:** Section 6-1 of the City of Tomah Municipal Code is hereby amended to read as follows:

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:

*Indoor cabaret* means a place to which the general public is admitted and where entertainment such as music, karaoke, or any other amplified sound is permitted or furnished to patrons by the management with or without special charge therefor.

*Outdoor cabaret* means an outdoor area to which the general public is admitted and where entertainment such as music, karaoke, or any other amplified sound is permitted or furnished to patrons by the management with or without special charge therefor.

*Special event outdoor cabaret* shall be permitted to conduct an outdoor cabaret; however, such license shall be for a period not exceeding one day and may exceed the noise levels established in the City Code, provided the sounds emanating from the outdoor cabaret are reasonable under the circumstances, subject to common council approval. All property owners within 200 feet of the proposed licensed premises for a special event outdoor cabaret license shall receive written notice of the original application. Subsequent applications for similar events will require a general notice to the public. A license shall only be granted following approval by a two-thirds vote of the common council.

#### **SECTION TWO:** Section 6-3 of the City of Tomah Municipal Code is hereby amended to read as follows:

No cabaret shall be licensed, maintained, or operated except in conformity with the following regulations:

- (1) Unless otherwise provided in this Code, any noise emanating from within the licensed area shall not violate the regulations of this Code pertaining to noise.
- (2) All cabarets shall be sufficiently lighted to ensure the safety of patrons at all times when any patrons shall be therein, and at all times when the same is open to the public.
- (3) Any lighting of the outdoor area of an outdoor cabaret must be shielded so as not to shine directly onto adjoining property or create glare, which is distracting to adjoining property owners or occupiers.
- (4) No licensee of an outdoor cabaret shall be permitted to provide music, dancing or singing from 9:00 p.m. to 10:00 a.m., except the common council shall establish the time restrictions for a special event outdoor cabaret.
- (5) No person under the legal drinking age shall be permitted in any cabaret when such presence is contrary to any state or local regulations.
- (6) Every cabaret shall comply with all applicable state and local regulations.
- (7) The sale, service or consumption of commodities for which licenses are otherwise required shall not be permitted in any cabaret unless the proper license or licenses therefor are obtained for said premises, in the name of the owner or manager of such cabaret.
- (8) Prior to the issuance of the special event outdoor cabaret license by the clerk, the applicant shall furnish evidence of insurance in an amount established by the city council for the event, shall be in force and effect at the time such event is to take place. Said evidence of insurance shall include a certificate of insurance naming the City of Tomah as additional insured in connection with said



event. If an entity is self-insured, it must provide evidence of alternative proof of coverage, in a form acceptable to the city clerk. The city shall be named as an additional insured on the policy.

(9) Outdoor cabaret licensees must provide sufficient sanitation facilities to accommodate the anticipated capacity.

(10) *Noise levels for outdoor cabarets.* Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

<b>Zone</b>	<b>Noise Rating (dB)*</b>
Residential Districts	75
Business Districts	85
All Other Districts	75

\*Noise measurement shall be made with a sound level meter. Noise measurements shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound-reflective surfaces.

**SECTION THREE:** All ordinances in conflict with the foregoing are hereby repealed.

**SECTION FOUR:** This ordinance shall take effect upon passage and publication.

\_\_\_\_\_  
Michael Murray, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED: