



AGENDA FOR PLANNING COMMISSION

MEETING NOTICE

A Planning Commission meeting will be held on **Thursday, February 24, 2022 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)

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Meeting ID: 270 860 8080

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ROLL CALL

APPROVAL OF MEETING MINUTES

- A. [Approve minutes of previous meeting](#)

PUBLIC HEARING REZONING N. GLENDALE

[A. Public hearing, per Section 52-256\(e\), to consider rezoning of City owned property located on North Glendale Ave from C1-Conservancy to I-Institutional](#)

B. Discussion and recommendation related to the rezoning of City owned property located on North Glendale Ave

PUBLIC HEARING CONDITIONAL USE ORDINANCE CHANGE

[A. Public hearing, Chapter 52, Conditional Use Permits ordinance amendment](#)

B. Discussion and recommendation on ordinance change for Chapter 52, Conditional Use Permit

PUBLIC HEARING PARKING REGULATIONS ORDINANCE CHANGE

[A. Public hearing on proposed amendments to the City of Tomah ordinance regulating parking](#)

B. Discussion and recommendation related to the proposed amendments to the City of Tomah ordinance regulating parking

CERTIFIED SURVEY MAP

- A. [Review/Approval of, Certified Survey Map \(CSM\) for Robert Joyce, Description: A parcel of land located in lots 1, 2 and 3, Block 7, Nuzum's Addition, being part of the NE1/4-SE1/4, Section 5, T17N-R1W, City of Tomah, Monroe County, Wisconsin](#)

Planning Commission – February 24, 2022

- B. [Review/Approval of, Certified Survey Map \(CSM\) for Alissa and William Scheerer. Description: A parcel of land containing 0.44 acres \(19,079 sq. ft.\). Lot 25 of Sunny Hills West. Located in the NE1/4-SE1/4, of section 31, T18N, R1W, City of Tomah, Monroe County, Wisconsin.](#)

DISCUSSION ITEMS

- A. [Discussion on fence height restriction in street side yard for reverse corner lots](#)
- B. [Discussion on allowing Butcher Shops as wither a permitted use or conditional use in Business Districts](#)
- C. Discussion on planning consultant(s)

ADJOURN

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.

City of Tomah Planning Commission Minutes

The City of Tomah Planning Commission met in person at City Hall, and virtually, on Monday, January 31, 2022. Planning Commission member, Mayor Mike Murray, called the meeting to order at 5:32 PM.

- 1) Roll call was taken with Commissioners: Present: Remy Gomez, Adam Gigous, Brian Rice, John Glynn, Mayor Mike Murray, Bryan Meyer and Tina Thompson. Also present was Building Inspector Shane Rolff.
- 2) Motion made by Thompson, seconded by Gigous to approve the minutes from the previous meeting. All ayes. Motion passed.
- 3) Motion by Gomez and seconded by Gigous to open the public hearing at 5:32 PM, per section 52-256 (e), to consider amendments to the City of Tomah Comprehensive Plan specific to Future Land Use Map for parcel #286-00037-0000. No one appeared to speak at the hearing. Motion made by Meyer, seconded by Glynn to close the public hearing at 5:33 PM. All Ayes. Motion passed.
- 4) Motion made by Gigous, seconded by Gomez, to approve the amendments to the Comprehensive Plan specific to Future Land Use Map at 5:34 PM. All ayes. Motion passed.
- 5) Moved to February Planning Commission Meeting.
- 6) Moved to February Planning Commission Meeting.
- 7) Discussion on fence height restriction for reverse corner lot. Restriction is for safety and aesthetics. Discuss in more detail at next meeting with more visual aids.
- 8) Discussion on butcher shop/meat processing and where it would fit in within the Business District. Planning commission is leaning towards conditional use permits with the condition there is no live animals being slaughtered. Similar to how the Bone Barrel operated. Need to define meat processing. Discuss in more detail at the next meeting.
- 9) Discuss Planning Commission role in reviewing certificate of appropriateness application. Currently, LRPC reviews these but would make more sense to have Planning review. Planning commission agrees that it should be reviewing these applications. Ordinance amended is needed.
- 10) Floodplain discussion is moved to March meeting as it would be easier to view video in PW&U conference room.
- 11) Motion made by Meyer, seconded by Glynn to adjourn at 6:17 PM. All ayes. Motion passed.

Submitted by:

Casey Skowronski
Casey Skowronski
Public Works and Utilities Bookkeeper

2/3/2022
Date:

CITY OF TOMAH PLAN COMMISSION
STAFF COMMITTEE PREPARATION REPORT
February 24th, 2022

Agenda Item: Public hearing and recommendation on proposed rezoning of City owned property located on North Glendale Ave. to accommodate the development of the City of Tomah EMS building.

Summary and background information: Discussion on proposed amendment rezoning of City owned property located on North Glendale Ave. to accommodate the development of the City of Tomah EMS building. The proposed location of the new City of Tomah EMS building is on City owned property currently occupied by Parks & Recreation baseball/softball field and several accessory structures. The current property's zoning is C1-Conservancy, and identified as Park & Open Space on the Future Land Use Map. Therefore, the subject parcel is proposed to rezone from C-Conservancy to I-Institutional.

Sec. 52-39. - I institutional district.

(a) *Created.* The institutional district is created to acknowledge that certain areas of the city are unique.

(b) *Principal uses.* Hospital, health care, cultural schools, city-owned nonrecreation properties, county, state and federally owned properties, churches. Necessary shops, garages, etc., to provide essential maintenance to buildings, grounds and equipment.

Recommendation: I recommend amending the City of Tomah zoning map from C1-Conservancy to I-Institutional District.



Zoning Administrator

2/22/22

Date

Ordinance No. _____

**ORDINANCE RE-ZONING PROPERTY
PARCEL #286-00037-0000**

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

SECTION ONE:

After Petition, Notice and Public Hearing in accordance with the Wisconsin Statutes and City of Tomah Ordinance, the Common Council of the City of Tomah hereby re-zone the following described real estate from C1-Conservancy to I-Institutional.

PART OF OL 42, 43, 47 & 48, ASSESSOR'S PLAT; A LEASE FOR NEW CINGULAR WIRELESS PCS LLC IN #666026

SECTION TWO:

All Ordinances or part thereof 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 Chapter 52, 52-70 (a), 52-72, 52-73 (a) (b), 52-74, and
52-256 (e) of the City of Tomah**

Municipal Code Regarding Definitions, Residential Districts and Schedule of Regulations

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

SECTION ONE: Section 52-70 (a). – **Conditions and guarantees** are hereby amended to read as follows:

- (a) The plan commission may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional uses as it may find necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards specified in section 52-71.

SECTION TWO: Section 52-72. – **Permit** is hereby amended to read as follows:

The plan commission shall authorize the building inspector to issue a conditional use permit specified in this chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this chapter.

SECTION THREE: Section 52-73 (a) (b). – **Denial and Appeal** are hereby amended to read as follows:

- (a) No applications for a conditional use which has been denied wholly or in part by the plan commission shall be resubmitted for a period of one year from the date of denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.
- (b) An appeal from the decision of the plan commission regarding an application for a conditional use permit may be taken to the B.O.A by any person aggrieved by the decision of the plan commission and must be filed in the office of the city clerk within ten days of the decision of the plan commission. Such appeal must specify the grounds therefor. The B.O.A shall fix a reasonable time for the hearing of the appeal, and give notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The decision of the plan commission shall be upheld unless the B.O.A, by a favorable vote of two-thirds of the members of the B.O.A, reverses or modifies the action of the plan commission.

SECTION FOUR: Section 52-74. Validity is hereby amended to read as follows:

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

SECTION FIVE: Section 52-256 (e). Changes and amendments are hereby amended to read as follows:

(e) *Hearings*. The planning commission shall hold a public hearing upon the purposed zoning change. Class 2 notice, publish twice, once each week consecutively, the last at least a week (seven days) before the hearing. The planning commission shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

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

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

Michael Murray, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

ARTICLE III. - CONDITIONAL USES

Sec. 52-67. - Permit.

Application for conditional use permits shall be submitted to the zoning administrator on forms provided by the administrator and shall be accompanied by a plan showing the location, size and shape of the lots involved and any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the city council.

(Code 1993, § 17.30)

Sec. 52-68. - Application and procedure.

In all cases of proposed establishment of a conditional use specified in this chapter, the plan commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation drainage, sewerage and water systems and other aspects of the proposed use. The hearing on the application shall be held at the next regular meeting of the plan commission after complying with notice requirements. Notice of the proposed establishment of the conditional use and the public hearing shall be given by ordinary mail to the owners of the land immediately adjacent to the area to be considered for the new use extending 200 feet therefrom and to owners of lands extending 200 feet from the street frontage of opposite lands and also by a class I publication in the official newspaper.

(Code 1993, § 17.31)

Sec. 52-69. - Standards.

No permit for a conditional use shall be granted, unless the plan commission finds that the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

(Code 1993, § 17.31(1))

Sec. 52-70. - Conditions and guarantees.

- (a) ~~Prior to recommending to the city council the granting of a permit for a conditional use,~~ The plan commission may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional uses as it may find necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards specified in section 52-71.

- (b) Establishment, maintenance and operation shall be construed to include, but not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operations control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the plan commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this chapter. In all cases in which a permit for conditional use is granted, the plan commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions therewith are being and will be complied with.

(Code 1993, § 17.31(2))

Sec. 52-71. - Conditional uses.

Conditional uses shall comply with all other provisions of this chapter, such as lot width and area, yards, height, parking and loading.

(Code 1993, § 17.31(3))

Sec. 52-72. - Permit.

The ~~city council~~ plan commission shall authorize the building inspector to issue a conditional use permit specified in this chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this chapter.

(Code 1993, § 17.31(4))

Sec. 52-73. – Denial ~~and Appeal~~.

- (a) No applications for a conditional use which has been denied wholly or in part by the ~~city council~~ plan commission shall be resubmitted for a period of one year from the date of denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.
- (b) ~~An appeal from the decision of the plan commission regarding an application for a conditional use permit may be taken to the B.O.A by any person aggrieved by the decision of the plan commission and must be filed in the office of the city clerk within ten days of the decision of the plan commission. Such appeal must specify the grounds therefor. The B.O.A shall fix a reasonable time for the hearing of the appeal, and give notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The decision of the plan commission shall be upheld unless the B.O.A, by a favorable vote of two-thirds of the members of the B.O.A, reverses or modifies the action of the plan commission.~~

(Code 1993, § 17.31(5))

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))

CITY OF TOMAH PLAN COMMISSION
STAFF COMMITTEE PREPARATION REPORT
February 24th, 2022

Agenda Item: Review and recommendation on proposed amendments to the City of Tomah ordinance regulating parking.

Summary and background information: Review and recommendation on proposed amendment to the City of Tomah ordinances regulating parking. Our current ordinance is antiquated, and unnecessarily restrictive in comparison to actual parking needs and in comparison to other Municipalities. I believe the recommendations provided my MSA give the Plan Commission much more flexibility in reviewing parking on a site to site basis. (proposed amendments are attached.)

Recommendation: Recommend approval of the proposed amendments as proposed.



Zoning Administrator

12-29-21

Date

ORDINANCE NO. _____

Ordinance Amending Chapter 52, 52-14, 52-116, and 52-206 of the City of Tomah Municipal Code Regarding Definitions, Parking requirements and Front yard parking

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

SECTION ONE: Section 52-14. – Definitions are hereby amended to add the following:

Drive Apron means the connection between a driveway and the traveled portion of a street in the public right of way, including any sidewalk area abutting thereon.

Driveway means an improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

Improved Surface means a surface of hot mix/recycled asphalt, poured/precast concrete or other material that is dust-free. Grass, crushed rock, or gravel are prohibited. An improved surface shall provide a hard driving surface, resist rutting, provides for sufficient water runoff and is graded and surfaced. Alternative surfaces may be approved by the Zoning Administrator or Public Works Director.

Parking Pad means an improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.

Recreational Vehicle means a vehicle primarily used for leisure activities, including but not limited to all-terrain vehicles, boats, with or without trailers, camping trailers, jet skis, motor home, utility trailers, snow mobiles, and like motorized & non-motorized vehicles.

SECTION TWO: Section 52-116. – Parking requirements 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 ten feet wide for one- and two- family dwellings and a minimum of 20 feet for all other uses.
- (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 three 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, 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	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
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- (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 the 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:
 - a. The proposed joint parking space is within 400 feet of the use it will serve.
 - b. 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.
 - c. 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. Such 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 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.
- (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 Planning 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 Planning 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 Planning 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 Planning Commission may grant conditional exceptions, subject to future review and reconsideration.

(Code 1993, § 17.42; Ord. No. 2007-09-08-C, § 8, 9-10-2007; Ord. No. 2017-09-14-D, § 1, 9-12-2017)

SECTION THREE: Section 52-206. – Parking in front yards are hereby amended to read as follows:

For the purpose of this ordinance, front yard is defined as any area between the street and main building line. It shall be prohibited for any person owning or having control of a motor vehicle or recreational vehicle to park or allow to be parked at any time in the front yard and interior side yard other than on a driveway or parking pad that extends the full length and width of the vehicle. Parking pad and driveways areas shall be maintained in a safe and sanitary condition and shall not contribute to soil erosion. The parking pad and driveway area shall be installed so as to avoid creating standing water conditions. A person shall not park any motor vehicle or recreational vehicle on a corner side yard. The enforcement of this section shall be the responsibility of the building inspector, or any other code enforcement officer.

(Code 1993, § 17.70(9); Ord. No. 2013-11-11-D, § 2, 11-12-2013; Ord. No. 2018-12-11-D, § 1, 12-11-2018)

Michael Murray, Mayor

ATTEST:

Rebecca Weyer, City Clerk

READ:

PASSED:

PUBLISHED:

Sec. 52-14. Definitions.

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

Accessory structure means a subordinate building or portion of the main building, the use of which is purely incidental to that of the main building. Accessory structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory buildings include one-stall, two-stall or three-stall automobile garages commonly found on a residential lot, garden tool storage buildings, summer shelters, arbor, private swimming pools and private emergency shelters. Accessory structures are subject to size and clearance standards described in section 52-10(2).

Accessory use means a use subordinate in nature, extent or purpose to the principal use of the building or lot. A subordinate use shall not begin until the principal use has begun or the structure in which to do it is under construction.

Advertising sign, outdoor means a structural poster, panel or a painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public unrelated to the premises upon which it is located. Signs advertising business or industry located on the same site shall be subject to the provisions of article V of this chapter.

Advertising structure, outdoor means any constructed or erected structure, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

Alley means a special public right-of-way which affords only a secondary means of access to abutting property and which is not more than 24 feet wide.

Animation. The use of movement or some element thereof, to depict action or create a special effect or scene.

Apartment means a portion of a residential or commercial building used as a separate housing unit.

Apartment house means the same as *Dwelling, multiple*.

Arterial street means a public street or highway used or intended to be used primarily for fast or heavy through traffic.

Awning means a movable device attached to a building, intended to provide shade or shelter and a device to permit ready removal or movement to a position on or close to the building. (See also *Canopy* or *marquee*.)

Basement means as defined in the state building code.

Boardinghouse means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for not more than six persons not members of a family.

Buffer yards means horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the plan commission. The minimum width shall be ten feet.

Building means a structure having a roof and intended for the shelter, housing or enclosure of persons, animals, equipment, machinery or materials.

Building, alterations of, means any change or rearrangement of the supporting members, such as bearing walls, beams, columns or girders, of a building, or an addition to or movement of a building from one location to another.

Building area means the total living or commercial area bounded by the exterior walls of a building at the floor levels, not including basements, unheated porches and breezeways.

Building, front line of, means a line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.

Building, height of, means the vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building, principal means a building in which is conducted the main use of the lot on which it is located.

Canopy or marquee means a permanent, roof-like device attached to or connected with a building, intended to provide shade or shelter. (See also *Awnings*.)

Carport. See *Garage, private*.

Clinic means a building used by a group of doctors for the medical or dental examination or treatment of persons on an out-patient or nonboarding basis only.

Club means a building owned, leased or hired by a nonprofit association of persons who are bona fide members paying dues, the use of which is restricted to members and their guests.

Conditional uses means uses of special nature, such as to make impractical their predetermination as a principal use in a district.

Conforming use means any lawful use of a building or lot which complies with the provisions of this chapter.

Court means an open, unoccupied space, other than a yard, on the same lot with a building and which is bounded on at least two sides by the building.

Curb break means any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.

Curb level means the level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the city engineer shall authorize and approve the establishment of such curb or its equivalent for the purposes of this chapter.

Drive Apron means the connection between a driveway and the traveled portion of a street in the public right of way, including any sidewalk area abutting thereon.

Driveway means an improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

Dwelling, group means a group of two or more multifamily dwellings occupying a lot in one ownership, with any two or more dwellings having a yard or court in common.

Dwelling, multiple, (multifamily dwelling) means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels, group houses, adult foster homes and boardinghouses.

Dwelling, one-family means a detached building designed, arranged or used for and exclusively by one-family.

Dwelling, two-family (duplex) means a building designed, arranged or used for and occupied exclusively by two families living independently of each other.

Dwelling unit means a building or portion thereof used exclusively for human habitation, including single-family, two-family and multifamily dwellings, but not including hotels, motels or lodging houses.

Electronic message center. An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Emergency shelter means a public or private enclosure designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots or invasions.

Family means any number of persons related by blood, adoption or marriage or not to exceed four persons not so related living together in one dwelling as a single housekeeping entity.

Farm means land consisting of two acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

Flashing. A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Floor area means the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

Frame effect. A visual effect on an electronic message center applied to a single frame to transition from one message to the next.

Frontage means all of the property abutting on one side of a street between two intersecting streets measured along the street line.

Garage, private means an accessory building or portion of the principal building used for vehicular storage only and having a capacity of not more than six automobiles or not more than three automobiles per family, housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than three vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one or more vehicles.

Garage, public means a building, other than a private or storage garage, used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for enumeration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

Garage, storage means a building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.

Gasoline station means any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubrication substances, and sale of motor vehicle accessories and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

Group houses means a group of detached or semi-detached dwellings, as defined in the state building code.

Home occupation means a business, occupation or trade that is conducted by a fulltime occupant of a dwelling unit as an accessory use to the principle use of such dwelling unit for dwelling purpose and where the public comes to purchase or sell items or deliveries are made by private companies and the address is used for advertising the business.

Hotel means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than six sleeping rooms, usually occupied singly, and no provisions made for cooking in the individual apartments.

Household occupation means any occupation for gain or support which is customarily incidental to the principal use of the premises and for which no stock in trade is kept or sold, except that made on the premises or except that which is incidental to the use of which the conditional use is granted.

Improved Surface means a surface of hot mix/recycled asphalt, poured/precast concrete or other material that is dust-free. Grass, crushed rock, or gravel are prohibited. An improved surface shall provide a hard driving surface, resist rutting, provides for sufficient water runoff and is graded and surfaced. Alternative surfaces may be approved by the Zoning Administrator or Public Works Director.

Junkyard means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Loading areas means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lot means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

Lot lines and area means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, reversed corner means a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, through means a lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot width means the width of a parcel of land measured at the front building setback line.

Lot, zoning means a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

Manufactured dwelling means a structure or component thereof which is intended for use as a dwelling and:

- (1) Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or
- (2) Is a building of open construction that is made or assembled in manufacturing facilities away from the building site and for which certification is sought by the manufacturer.

The term "manufactured dwelling" does not include a building of open construction which is not subject to subsection (1) of this definition. A single-width or double-width manufactured (mobile) home is not considered a manufactured dwelling and is not subject to the Uniform Dwelling Code. (Definition pursuant to Wis. Admin. Code § Comm 20.07.)

Manufactured home is a structure, transportable in one or more sections, that in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. This term includes all structures that meet the above requirements, except the size requirements, and for which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13 and complies with the standards set forth in 24 CFR 3280. (Definition pursuant to Wis. Admin. Code § Comm 27.30(3).)

Mobile home means a manufactured unit which is or was as originally constructed designed to be transported by a motor vehicle upon a public highway on its own wheels, and is designed, equipped and used primarily for permanent, longterm sleeping, eating and living quarters or is intended to be so used, and includes all additions, attachments, annexes, foundations and appurtenances, and arrives at the site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations or connection to external water and sewer services. This definition is not intended to include those vehicles less than eight feet by 35 feet intended primarily for nonpermanent, recreational use as camper trailers or pickup campers.

Motel means a series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

Motor freight terminal means a building or area in which freight brought by motor truck is assembled or stored or both for routing in intrastate and interstate shipment by motor truck.

Motor homes, camper trailers, pickup campers, recreational vehicles means and includes the following:

- (1) A vehicular, portable unit built on a chassis, designed as a temporary living unit for travel, recreation and vacation, having a body width not exceeding eight feet and body length not exceeding 35 feet.
- (2) A living unit designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (3) A portable, temporary living unit to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) A canvas folding unit mounted on wheels and designed for travel, recreation and vacation use.

Nit means the term used to describe a metric unit of luminance. It is defined as candela per square meter (cd/m²). The unit is based on the candela, the modern metric unit of luminous intensity; and the square meter.

Nonconforming building or structure means any building or structure which:

- (1) Does not comply with all of the regulations of this chapter or of any amendment governing bulk for the zoning district in which such building or structure is located; or
- (2) Is designed or intended for a nonconforming use.

Nonconforming use means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendment governing use for the zoning district in which such use is located.

Nursery means any building, lot or portion thereof used for the cultivation or growing of plants and including all accessory buildings.

Nursery school means any building used routinely for the daytime care and education of preschool-age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

Parking area, semi-public means an open area, other than a street, alley or place, used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Parking Pad means an improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.

Parking space means an off-street space available for the parking of a motor vehicle and which in this chapter is held to be an area nine feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Place means an open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

Planned development means a tract of land which contains or will contain two or more principal buildings developed under single ownership or control, the development of which is unique and of a substantially different character than that of the surrounding areas.

Planned unit development means a tract of land developed under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this zoning code.

Professional home office means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professionals used to conduct their professions where the office does not exceed one-half of the area on only one floor of the residence and only one nonresident person is employed.

Property lines means the lines bounding a zoning lot.

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.

Public way means any sidewalk, street, alley, highway or other public thoroughfare.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Recreational Vehicle means a vehicle primarily used for leisure activities, including but not limited to all-terrain vehicles, boats, with or without trailers, camping trailers, jet skis, motor home, utility trailers, snow mobiles, and like motorized & non-motorized vehicles.

Residential work quarters means one or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for business owners actually engaged in the principal uses of a commercial property. Such users are clearly subordinate to the principle use of the property and may contain a kitchen, dining area, bathroom, living area, sleeping area, and laundry facilities.

School, commercial means a school limited to special instruction, such as business, art, music, trades, handicrafts, dancing or riding.

School, private means an elementary or intermediate school, other than a parochial school, giving regular instruction capable of meeting the requirement of state compulsory education laws and approved as such and operating at least five days a week for a normal school year, supported by other than public funds, but not including:

- (1) A school for the mentally handicapped.
- (2) A college or other institution of higher learning.

Screens means barriers located in a limited space (ten feet or less) intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a yearround screen within three years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property upon which the screen is located, and any plant materials which die shall be replaced within six months of the date of death.

Signs means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and ceiling above it.

Story, half means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structural alterations means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

Use means the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.

Use, conditional means a use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular location, such conditional use may or may not be granted.

Use, permitted means a use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards, if any, of such districts.

Use, principal means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

Vending machine means a retail business device, electrically or manually operated, used by the general public to obtain dairy products, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

Yard, corner side means a side yard which adjoins a public street.

Yard, front means a yard extending along the full length of the front lot line between the side lot lines.

Yard, interior side means a side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

Yard, rear means a yard extending along the full length of the rear lot line between the side lot lines.

Yard, side means a yard extending along a side lot line from the front yard to the rear yard.

Yard, transitional means that yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residence district or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residence or business district.

Zero lot line, means a lot created with no side yard setback on one side of the lot to create a shared building envelope between two lots sharing a single structure. The shared building envelope shall only be used to build or divide a duplex where the common wall between the two lots is built, or determined to be, the common boundary line between the two separate attached single-single family lots. Zero lot line land divisions require city approval of a certified survey map.

Zoning district means an area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(Code 1993, § 17.19; Ord. No. 2007-09-08-C, § 1, 9-10-2007; Ord. No. 2014-09-10-D, § 1, 9-9-2014; Ord. No. 2014-11-11-D, § 1, 11-18-2014; Ord. No. 2017-12-17-D, § 1, 12-12-2017; Ord. No. 2020-10-13-D, § 1, 10-13-2020)

Sec. 52-116. Parking requirements.

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. ~~Required~~ Request for such parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts ~~and in connection with every use~~ 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. ~~and driveways shall be at least ten feet wide for one- and two- family dwellings and a minimum of 20 feet for all other uses.~~ 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 ten feet wide for one- and two- family dwellings and a minimum of 20 feet for all other uses.
- (2) Size of each parking space shall not be less than ~~180~~ 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. ~~No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street opposite a residential district.~~
- (4) All off-street parking areas shall be ~~graded and surfaced so as to be dust free and properly drained 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 three 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) ~~Number of parking stalls required:~~ 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)	1.5 stalls for each dwelling unit 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 and 1 stall for every 3 employees , 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 and 1 stall for every 3 employees , plus 1 stall for each employee on the largest work shift
Sanitariums, institutions, rest homes and nursing homes	1 stall for every 5 beds and 1 stall for every 3 employees , plus 1 stall for each employee on the largest work shift
Medical and dental clinics	3 stalls for each doctor 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 140 200 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 every 3 employees 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
Commercial establishments permitted by conditional use permits in residential areas	1.5 stalls for every 2 employees

- (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 the most recent edition of the Institute of Traffic Engineers Parking Generation Manual. ~~Where floor space is indicated in subsection (6) of this section as a basis for determining the amount of off-street parking required, floor space or area shall mean the gross floor area inside the exterior walls.~~
- (8) Combined uses. Combinations of any of the above uses shall provide a minimum of 80% of the sum ~~the total~~ 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:

- a. The proposed joint parking space is within 400 feet of the use it will serve.
- b. 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.
- c. 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. Such 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 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.
- (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 Planning 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 Planning 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 Planning 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 Planning Commission may grant conditional exceptions, subject to future review and reconsideration.

(Code 1993, § 17.42; Ord. No. 2007-09-08-C, § 8, 9-10-2007; Ord. No. 2017-09-14-D, § 1, 9-12-2017)

Sec. 52-206. Parking in front yards.

~~No front yard of a lot in any residential or business district upon which a dwelling unit is located shall be used for parking of motor vehicles or recreational vehicles nor shall motor vehicles or any recreational vehicle parked on any other front yard be permitted within five feet of the right-of-way line of a street. Motor vehicle and recreation vehicles as enumerated and defined in section 18-53.~~ For the purpose of this ordinance, front yard is defined as any area between the street and main building line. It shall be prohibited for any person owning or having control of a motor vehicle or recreational vehicle to park or allow to be parked at any time in the front yard and interior side yard other than on a driveway or parking pad that extends the full length and width of the vehicle. Parking pad and driveways areas shall be maintained in a safe and sanitary condition and shall not contribute to soil erosion. The parking pad and driveway area shall be installed so as to avoid creating standing water conditions. A person shall not park any motor vehicle or recreational vehicle on a corner side yard. The enforcement of this section shall be the responsibility of the building inspector, or any other code enforcement officer.

(Code 1993, § 17.70(9); Ord. No. 2013-11-11-D, § 2, 11-12-2013; Ord. No. 2018-12-11-D, § 1, 12-11-2018)

Sec. 52-278. Penalties.

Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials that are incorporated by reference, shall, upon conviction thereof, forfeit not less than \$20.00 nor more than \$500.00 and the costs of prosecution, together with the penalty assessment imposed by Wis. Stats. § 165.87, where applicable, and in default of payment of such forfeiture and the costs of prosecution, shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

(Code 1993, § 17.90)



SURVEYOR'S CERTIFICATE

I, Garold A. Sime, do hereby certify that by the order and under the direction of Robert & Kelly Joyce, 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 236.34 of the Wisconsin Statutes to the best of my knowledge and belief.

H. A. SIME & ASSOCIATES

P. O. BOX 50

February 17, 2022

Located in Lots 1, 2 and 3, Block 7, Nuzum's Addition, being part of the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 5, T17N-R1W, City of Tomah, Monroe County, Wisconsin

DESCRIPTON

A parcel of land located in Lots 1, 2 and 3, Block 7, Nuzum's Addition, being part of the NE¼-SE¼, Section 5, T17N-R1W, City of Tomah, Monroe County, Wisconsin described as follows: Commencing at the E¼ corner of said Section 5; thence S88°51'06"W, a distance of 310.05 feet to the Northwest corner of said Block 7; thence S1°00'57"W, a distance of 490.01 feet to the Southwest corner of Lot 1 of Vol. 24 Certified Survey Maps, Page 214, Document Number 618608, being the Point of Beginning; thence N88°50'20"E along the south line of said Lot 1 of Certified Survey Map, Document Number 618608, a distance of 134.98 feet to the east line of said Lot 3; thence S1°01'03"W along the east line of said Lots 1, 2 and 3, a distance of 163.53 feet; thence S88°49'11"W, a distance of 10.00 feet; thence S1°01'03"W, a distance of 83.00 feet to the south line of said Lot 1; thence S88°49'11"W, a distance of 124.98 feet to the Southwest corner of said Block 7; thence N1°00'57"E, a distance of 246.57 feet to the Point of Beginning. Subject to all easements and right-of-ways of record.

APPROVAL OF THE CITY OF TOMAH PLANNING COMMISSION

This Certified Survey Map is approved this _____ day of _____,

CHAIRMAN

CERTIFIED SURVEY MAP

Located in Lots 1, 2 and 3, Block 7, Nuzum's Addition, being part of the NE¼-SE¼, Section 5, T17N-R1W, City of Tomah, Monroe County, Wisconsin

B.

CERTIFIED SURVEY MAP

LOT 25 OF SUNNY HILLS WEST. LOCATED IN THE NE 1/4 OF THE SE 1/4, OF SECTION 31, T18N, R1W, CITY OF TOMAH, MONROE COUNTY, WISCONSIN.

CERTIFIED SURVEY MAP FOR WILLIAM SCHEERER

A PARCEL OF LAND CONTAINING 0.44 ACRES (19,079 sq.ft.).

LOT 25 OF SUNNY HILLS WEST. LOCATED IN THE NE 1/4 OF THE SE 1/4, OF SECTION 31, T18N, R1W, CITY OF TOMAH, MONROE COUNTY, WISCONSIN. BEING DESCRIBED AS FOLLOWS:

BEING LOT 25 OF SUNNY HILLS WEST. SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD

THAT I HAVE COMPLIED WITH THE CITY OF TOMAH SUBDIVISION ORDINANCES AND THE CURRENT PROVISIONS OF CHAPTER 236.34 OF THE REVISED WISCONSIN STATUTES ON SURVEYING AND MAPPING SAME. THAT THIS CERTIFIED SURVEY IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY OF THE LANDS SURVEYED AND MAPPED.

CERTIFIED THIS 14 DAY OF FEBRUARY, 2022

JONATHAN A SCHMITZ
PROFESSIONAL LAND SURVEYOR #2465
18286 COUNTY A
NORWALK WI 54648
608-487-1029

PLANNING COMMISSION RESOLUTION
RESOLVED, THAT THIS CERTIFIED SURVEY MAP AS SHOWN IN THE CITY OF TOMAH IS HEREBY
APPROVED BY THE CITY PLANNING COMMISSION.

MAYOR	DATE
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DATE _____

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE CITY OF TOMAH PLANNING COMMISSION.

CITY CLERK

DATE _____

OWNER
ALISSA AND WILLIAM SCHEERER
240 ALYSSA ST
TOMAH WI 54660

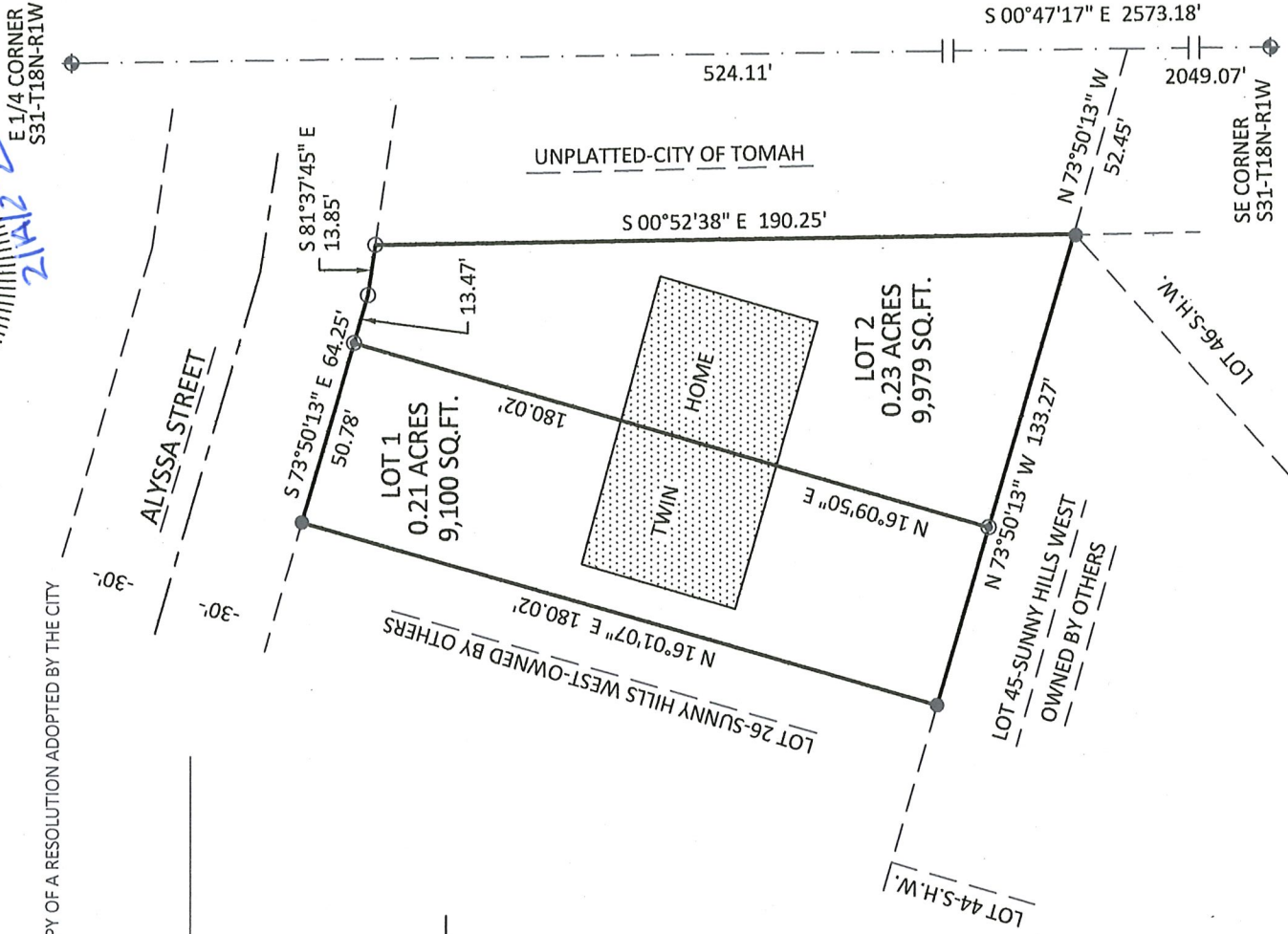
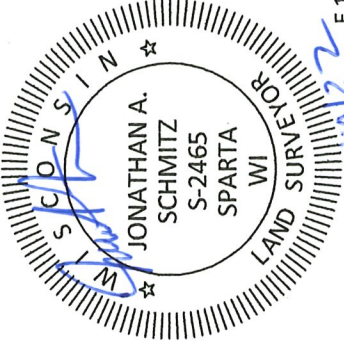
LEGEND

- ☒ 3/4" X 18" IRON BAR SET WEIGHING 1.50lbs PER LINEAL FOOT
- ☒ HARRISON MONUMENT FOUND
- ☒ 3/4" IRON BAR FOUND
- ☐ 1 1/4" IRON BAR FOUND

BEARINGS ARE REFERENCED TO THE EAST
LINE OF THE SE ¼ OF SEC 31, ASSUMED
TO BEAR S00°47'17"E.



SCALE 1"=50'



CITY OF TOMAH PLAN COMMISSION
STAFF COMMITTEE PREPARATION REPORT
February 24th, 2022

Agenda Item: Discussion on fence height restriction in street side yard for reverse corner lots.

Summary and background information: Current ordinance allows for a 6' fence in the side and rear yards of a property. The 6' allowance may not be appropriate for the street facing side yards on reverse corner lots. Discuss options to regulate to the fence height in the side yards of reverse corner lots. (see attachments for options)

Sec. 52-209. - Fences and hedges.

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.

(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.

Sec. 52-114. - Traffic visibility.

No obstruction, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2½ feet and ten feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

Recommendation: Discuss current ordinance to decide if an amendment is necessary.

Shane Rolff

Zoning Administrator

2/4/22

Date

Options for regulating fences in the street side yard of reverse corner lots

- 1) Limit the height in the street side yard of reverse corner lots to the same as the restriction in front yards of 3'.
- 2) Require a vision clearance triangle where the street side yard of the reverse corner lot abuts the front yard of the key lot directly behind the property.
- 3) Allow fences up to 6' in height in the street side yard of reverse corner lots to equal the established front yard of the property on the key lot directly behind the property to never exceed 15'. Similar to our front yard setback averaging allowed in older established neighborhoods.
- 4) Maintain the status quo and allow fences up to 6' in height in the street side yard of reverse corner lots.

Definition of a reverse corner lot:

Lot, reversed corner means a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.



Lot Type Diagram

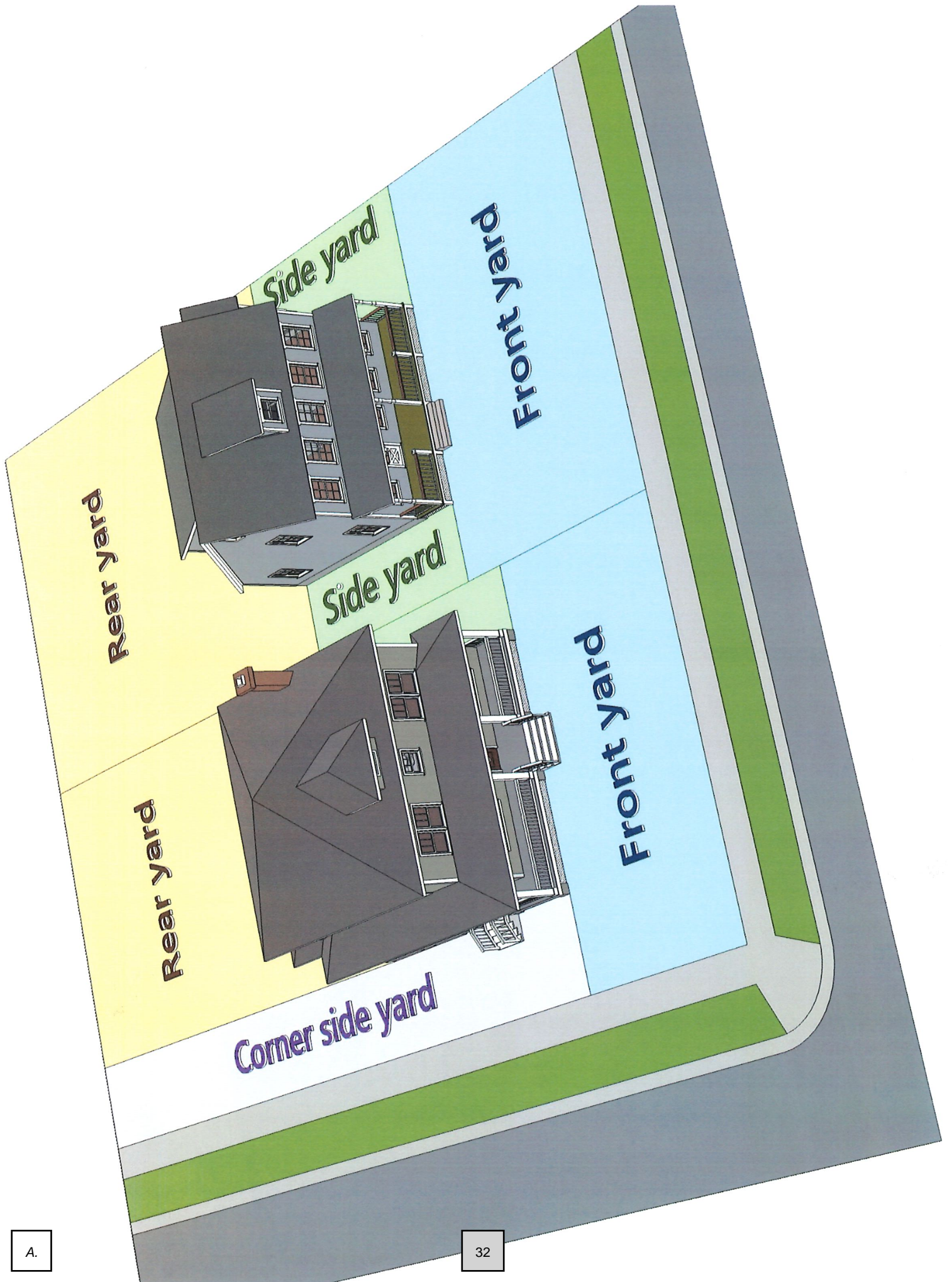
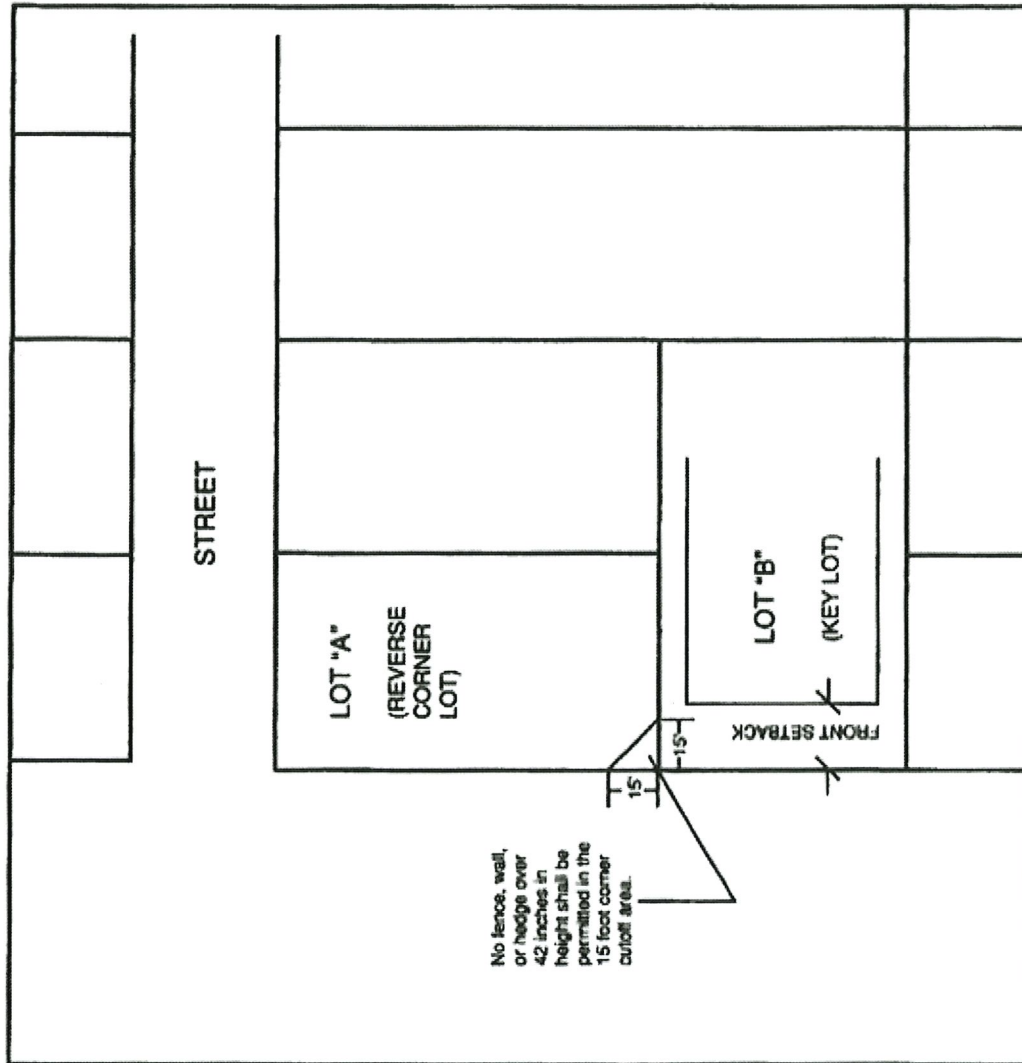
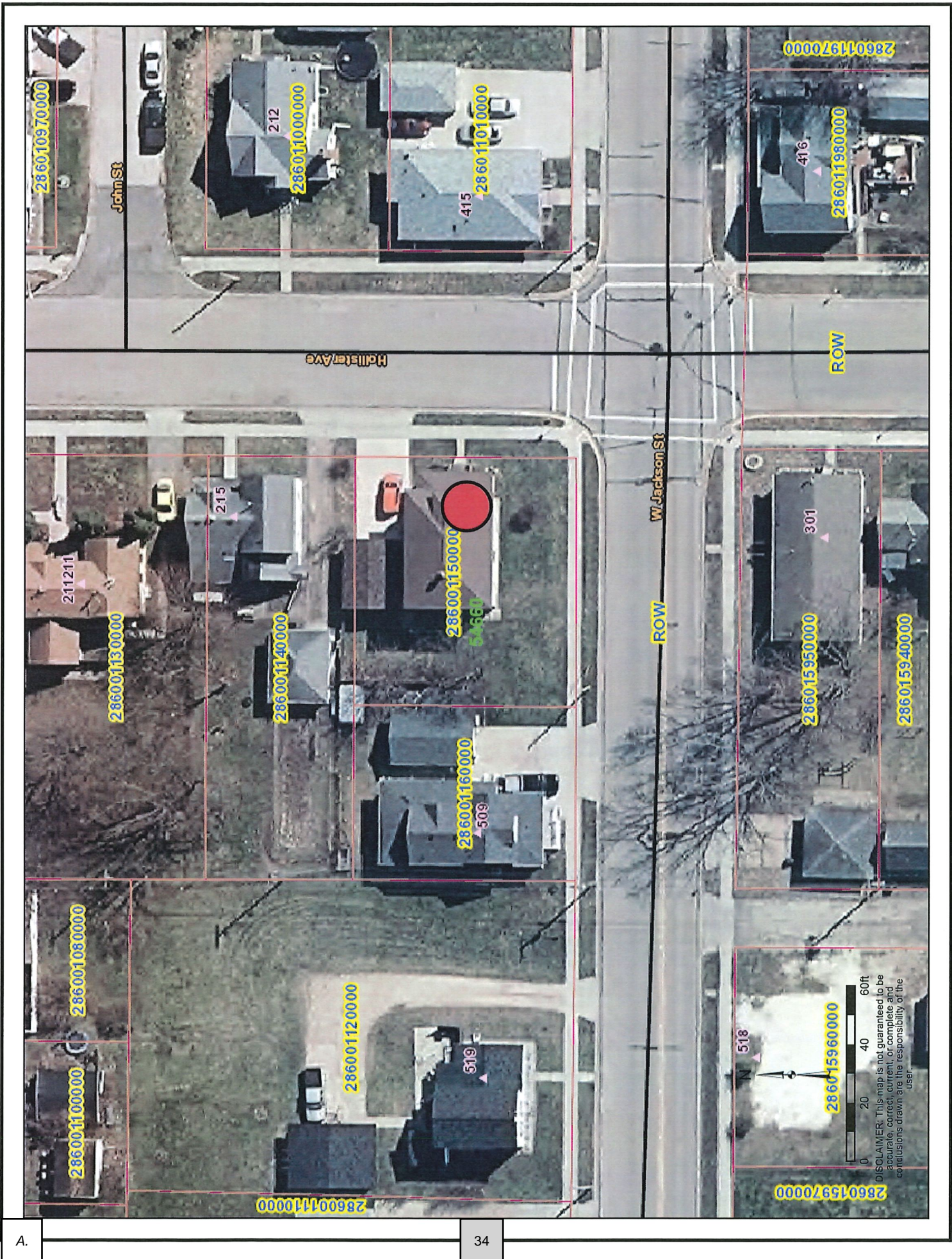


ILLUSTRATION OF SECTION 10-5.1524(b)(1)(c)
RELATING TO FENCE HEIGHT FOR REVERSE CORNER LOTS









A.





CITY OF TOMAH PLAN COMMISSION
STAFF COMMITTEE PREPARATION REPORT
February 24th, 2022

Agenda Item: Discussion on allowing Butcher Shops as either a permitted use or conditional use in Business Districts.

Summary and background information: Discussion on allowing Butcher Shops as either a permitted use or conditional use in Business Districts. Current ordinance only allows for processing activities as a permitted use in Industrial zoned districts.

Sec. 52-14. - Definitions.

Butcher Shop means a retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre-processed carcasses.

Sec. 52-35. - Business districts.

(a) *B business district.*

(1) *Established.* The B business district is established to delineate areas, both developed and undeveloped, where retail and limited wholesale trade establishments may exist. No use permitted in this district shall be dangerous, offensive or detrimental to the neighboring areas or residents by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, etc.

(2) *Principal uses.* Dwelling units may be established on the second or higher floors of buildings whose principal use is business or commercial. All business establishments shall be retail or service, dealing directly with the general public or wholesale sales in small quantities as an adjunct to the primary retail business. All goods produced on the premises shall be sold at retail on the premises where produced. The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 50 feet of a residential district boundary line.

(3) *Permitted uses.* The following uses are permitted in the B district: appliance dealers; art and school supply stores; automotive parts sales stores; automobile sales lots and show room lots, providing all vehicles will be in operative condition; antique shops; appliance stores; bakeries (retail); barbershops and beauty parlors; banks and other financial institutions; **butcher shops**; candy and ice cream stores; caterers; clothing and dry goods stores; clinics; clubs; cocktail lounges; drugstores and pharmacies; department stores; electrical supply stores (retail); food stores and supermarkets; food lockers (retail); florist shops; fraternal organizations; furniture stores; funeral homes; hotels; inns; insurance agencies; jewelry stores; lumber yards; liquor stores; medical facilities and

clinics; mini storage facilities; music stores; markets (fruit and vegetable); newsstands; opticians and optical supply stores; offices; paint and wallpaper stores; shoe stores; taverns; tourist information and hospitality centers; upholsterers; variety stores; veterinary clinics (small animal); and other uses similar to or customarily incidental to any of the above uses.

(4) *Conditional uses.* Governmental and cultural uses, transportation uses, drive-in theaters, drive-in restaurants, **butcher shops**, motels, funeral homes, drive-in banks, vehicle repair and sales, maintenance garages, recreational uses, recycling areas (not to include salvage yards or can crushing) provided the same are more than 500 feet from a residential area and enclosed by fences as directed by the planning commission, and R-1, R-2 and R-3 dwellings.

Recommendation: Discuss adding butcher shops as either a permitted use or conditional use in the Business District.

Shane Rolff
Zoning Administrator

2/4/22
Date