



**A G E N D A**  
**CITY OF WAUPUN PLAN COMMISSION**  
**Waupun City Hall – 201 E. Main Street, Waupun WI**  
**Wednesday, August 25, 2021 at 4:30 PM**

**VIDEO CONFERENCE AND TELECONFERENCE**

The Waupun Plan Commission will meet virtually at 4:30 pm on Wednesday, August 25, 2021 via Zoom. The Public may access the conference meeting online or by phone. Instructions to join the meeting are provided below.

To Join the Zoom Meeting:

<https://us02web.zoom.us/j/82212782546?pwd=Wk56ejlhYm0rY0k4aDN4cmsyMnNXZz09>

Meeting ID: 822 1278 2546

Passcode: 602095

By Phone: +1 312 626 6799 US (Chicago)

**CALL TO ORDER**

**ROLL CALL**

**PERSONS WISHING TO ADDRESS THE PLAN COMMISSION**--State name, address, and subject of comments. (2 Minutes)

***No Public Participation after this point.***

**FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION**

**CONSIDERATION - ACTION**

1. Approve Minutes of the July 28, 2021 meeting.
2. Public Hearing - Rezoning Petition of Fox Valley Savings Bank - 409 E Jefferson St.
3. Public Hearing - Zoning Ordinance Amendment - Adult Day Care Facilities and Group Child Care Centers in Residential Districts
4. Site Plan Review - Culver's Restaurant - 900 Kelly Ave
5. Residential Zoning District Amendments and Draft Accessory Dwelling Units (Cedar Corp)

**ADJOURNMENT**

*Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.*



**MINUTES**  
**CITY OF WAUPUN PLAN COMMISSION MEETING**  
**Waupun City Hall – 201 Main Street, Waupun, WI**  
**Wednesday, July 28, 2021 at 4:30 p.m.**

**Plan Commission Members Present:**

Jeff Daane  
Jon Dobbratz  
Jerry Medema  
Julie Nickel  
Elton TerBeest  
Jill Vanderkin

**Plan Commission Members Absent:**

Mike Matouschek

**Staff Present:**

Steve Brooks ..... Waupun Utilities General Manager  
Susan Leahy ..... Building Inspector/Zoning Administrator  
Kathy Schlieve ..... Administrator  
Sarah Van Buren ..... Community & Economic Development Coordinator

**Other:**

Patrick Beilfuss ..... Cedar Corporation  
Mark Buteyn ..... CWC  
Jared Oosterhouse ..... CWC  
Tom Kulczewski ..... Real Sportcards  
Dean Schulz ..... Excel Engineering  
Gregg Zonnefeld ..... CWC

**CALL TO ORDER:**

Mayor Nickel called the meeting of the Plan Commission to order at 4:38 p.m.

**ROLL CALL:**

Roll call and quorum determined.

**PERSONS WISHING TO ADDRESS THE PLAN COMMISSION:**

None.

**FUTURE MEETINGS AND GATHERINGS INVOLVING THE PLAN COMMISSION**

The next Plan Commission meeting will be on Wednesday, August 25, 2021 at 4:30 p.m.

**CONSIDERATION-ACTION:**

**1. Approval of minutes of the June 16, 2021 meeting**

A motion to approve the June 16, 2021 minutes was made by Mr. TerBeest and seconded by Mr. Medema, passing unanimously.

**2. Public Hearing – Conditional Use Permit Application – ACS RBHS, LLC at 1025 Tanager St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code**

Ms. Leahy provided members a summary of the Conditional Use Permit request.

A motion to approve the Conditional Use Permit, as presented, was made by Mr. Dobbratz and seconded by Mr. TerBeest, passing unanimously.

**3. Public Hearing – Conditional Use Permit Application – ACS RBHS, LLC at 1029 Tanager St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code**

A motion to approve the Conditional Use Permit, as presented, was made by Mr. Dobbratz and seconded by Mr. TerBeest, passing unanimously.

**4. Public Hearing – Conditional Use Permit – Tom Kulczewski, Real Sportscards at 324 E. Main St. to install a projecting sign per section 16.11(2)(a) of the Waupun Municipal Code**

Mr. Kulczewski presented a summary of the request. Ms. Leahy stated the Conditional Use Permit request is being brought to this group per the City's ordinance regarding projecting signs. Ms. Leahy inquired as to where the sign would be placed on the building and Mr. Kulczewski stated it would be placed on the Main Street side of the building. The contractors currently working on the site will do installation of the sign.

A motion to approve the Conditional Use Permit, as presented, was made by Mayor Nickel and seconded by Mr. Medema, passing unanimously.

**5. Site Plan Review – Brittain House Parking Lot**

In the absence of the property owner, Mr. Daane presented the item. The site plan demonstrated the parking will fit, the water will drain to the west and, as affirmed by MSA, the pond will service the lot. The lot will be paved with a crushed blacktop base. Arborvitaes will be planted to be a barrier between the Brittain House and the neighboring multi-family housing complex.

A motion to approve the site plan was made by Mr. Dobbratz and seconded by Ms. Vanderkin, passing unanimously.

**6. Discuss Long Range Plan for Central WI Christian Development and Future Lincoln Street Expansion Requirements**

Representatives from CWC, and their engineering firm, presented the future expansion of the CWC campus and discussion ensued regarding the concept in regards to the future Lincoln Street expansion.

Mr. Daane raised concerns about the potential costs associated with the relocation of the storm sewer due to the placement of the athletic fields. Questions were asked about timing of the expansion. Mr. Buteyn responded that timing would be dependent on enrollment. With the current projector of growth, Mr. Buteyn anticipates the bus garage starting in the fall of 2021, with the remainder of the work starting in 2023.

The next step would be for City staff to work with CWC, and their contractors, on the issues surrounding the relocation of the storm sewer. As for the site plans for the bus garage, Mr. Schulz anticipates the work can be completed within the next 4-6 weeks.

**7. Residential Zoning District**

Administrator Schlieve introduced the topic and provided background, as outlined in the staff report, on the work this group has been charged with.

Patrick Beilfuss, from Cedar Corporation, reviewed the changes the Plan Commission agreed to surrounding dimensional requirements and the change of two-family dwellings to a permitted use. Administrator Schlieve commented on the fact that minimum lot width should be lower than what was agreed upon at the last meeting. Having smaller lots create more affordable housing options and lower construction costs for developers. Examples of successful developments with smaller lot sizes were presented. Members agreed to make a change to lower the minimum lot width in an R-1 district to 60 feet.

Mr. Beilfuss asked the group to also consider changes to R-3, R-4, and R-5 districts regarding split two-family dwelling units. Agreement was made that in an R-3 district, split two-family dwelling units should be a permitted use. Members of the Plan Commission agreed that the language surrounding split-two family dwelling units in R-4 and R-5 districts are the same and should be combined into one. It was also agreed upon that split two-family dwelling units in these districts should remain as a conditional use.

Discussion began on developing the language for an ordinance for accessory dwelling units. A review was conducted of two example ordinances from communities within the state. Agreement was made to have Mr. Beilfuss draft an ordinance that will:

Requirements	
Where ADUs are Allowed	Lots occupied by SF home
Number of ADUs Allowed	One
Restrictions on ADU Occupants	No
Owners Occupancy Requirements	Yes
Parking Requirements	One

ADU Options	Four (Converting existing area within principal building; Adding floor area to an existing building; Converting space above an existing attached garage; Constructing a new principal dwelling with one of the above options)
Regulations	Conditional Use Permit
Size Regulations	Yes
Character Requirements	Yes
Building Permit Approval	Yes

### **ADJOURNMENT**

The motion to adjourn was made by Mr. Medema and seconded by Mr. Dobbratz passing unanimously. The meeting adjourned at 6:24 p.m.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that at a meeting of the Plan Commission of the City of Waupun, will be held on Wednesday the 25<sup>th</sup> day of August 2021, at 4:30 o'clock in the P.M. there will be considered an ordinance to amend Chapter 16 of the Municipal Code of the City of Waupun.

The meeting will be held via Zoom. Instructions to join the zoom meeting are below:

To Join the Zoom Meeting:

<https://us02web.zoom.us/j/82212782546?pwd=Wk56ejlhYm0rY0k4aDN4cmsyMnNXZz09>

Meeting ID: 822 1278 2546

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By Phone: +1 312 626 6799 US (Chicago)

### ORDINANCE # 21 - \_\_\_\_

#### AN ORDINANCE TO AMEND CHAPTER SIXTEEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "ZONING ORDINANCE."

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 16.01 (10) of the Municipal Code of the City of Waupun entitled "Zoning Map" is amended so that real estate currently owned by Fox Valley Savings Bank at 409 E Jefferson Street presently zoned in the R-5 Mixed Residential Zoning District is rezoned to the B-2 Central Business Zoning District The real estate to be rezoned is described as follows:

Parcel #: 292-1315-0511-007

LOT 5 ASSESSOR'S PLAT NO 5, City of Waupun, Dodge, Wisconsin

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julie Nickel  
Mayor

ATTEST:

\_\_\_\_\_  
Angela Hull  
City Clerk

PLEASE TAKE FURTHER NOTICE that the ordinance is on file in the office of the Zoning Administrator in the City Hall of the City of Waupun, Wisconsin and may be inspected during regular business hours.

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed ordinance in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Susan Leahy  
Zoning Administrator  
City of Waupun  
(PUBLISH August 11 and August 18, 2021)

**ORDINANCE # 21 - \_\_\_\_**

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\_\_\_\_\_  
Julie Nickel  
Mayor

ATTEST:

\_\_\_\_\_  
Angela Hull  
City Clerk



**CITY OF WAUPUN**  
201 E. Main Street  
WAUPUN, WISCONSIN 53963

## PETITION FOR REZONING

From: Fox Valley Savings Bank - Derek Drews

Phone: 920-324-5528

101 South Madison Street

Fax: 920-324-2305

Waupun, WI 53963 ddrews@fvbank.com

The petition of Fox Valley Savings Bank - Derek Drews respectfully alleges and petitions the Common Council  
Owners Name:

of the City of Waupun as follows:

1. That the petitioner is owner of real estate which is situated in the City of Waupun,  
Dodge County, Wisconsin and legally described as follows:  
409 East Jefferson Street, Parcel No. 292-1315-0511-007, Lot 5 Assessor's Plat No. 5

2. That the petitioner is the owner of the real estate described above which lies in the  
R-5 MIXED RESIDENTIAL DISTRICT District of the City of Waupun for zoning purposes.

3. That the petitioner wishes that the above described real estate be rezoned and placed in the  
B-2 CENTRAL BUSINESS DISTRICT District of the City of Waupun for zoning purposes.

Dated this 26 day of July 2021

Petitioners Signature

Derek Drews AVP Fox Valley Savings Bank

Petitioners Signature

Petitioners Signature

\$150.00 Application fee payable upon filing. Date paid: \_\_\_\_\_

File Petition with: Zoning Administrator  
City of Waupun  
201 E. Main St.  
Waupun, WI 53963



# NOTICE OF PUBLIC HEARING

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By Phone: +1 312 626 6799 US (Chicago)

ORDINANCE NUMBER 21-\_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER SIXTEEN THE MUNICIPAL CODE OF THE CITY OF WAUPUN

THE COMMON COUNCIL OF THE CITY OF WAUPUN, DO ORDAIN:

## SECTION 1: CHAPTER 16, ZONING ORDINANCE

SECTION 16.02 DEFINITIONS. Is amended to add:

- (5a) ADULT DAY CARE FACILITY - An adult day care facility means a facility that provides services for part of a day in a group setting to adults who need an enriched social or health-supportive experience, or who may need assistance with activities of daily living (ADL), supervision and/or protection. Services may include personal care and supervision, provision of meals, medical care, transportation, and activities designed to meet physical, social, and leisure time needs.

SECTION 16.03(1)(d) CONDITIONAL USES. Is amended to add:

- (iv) Adult Day Care Facility
- (v) Group Child Care Center

SECTION 16.03(2)(d) CONDITIONAL USES. Is amended to add:

- (iv) Adult Day Care Facility
- (v) Group Child Care Center

SECTION 16.03(3)(d) CONDITIONAL USES. Is amended to add:

- (v) Adult Day Care Facility
- (vi) Group Child Care Center

SECTION 16.03(4)(d) CONDITIONAL USES. Is amended to add:

- (ix) Adult Day Care Facility
- (x) Group Child Care Center

SECTION 16.03(5)(d) CONDITIONAL USES. Is amended to add:

- (viii) Adult Day Care Facility
- (ix) Group Child Care Center

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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Julie Nickel  
Mayor

ATTEST:

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Angie Hull  
City Clerk

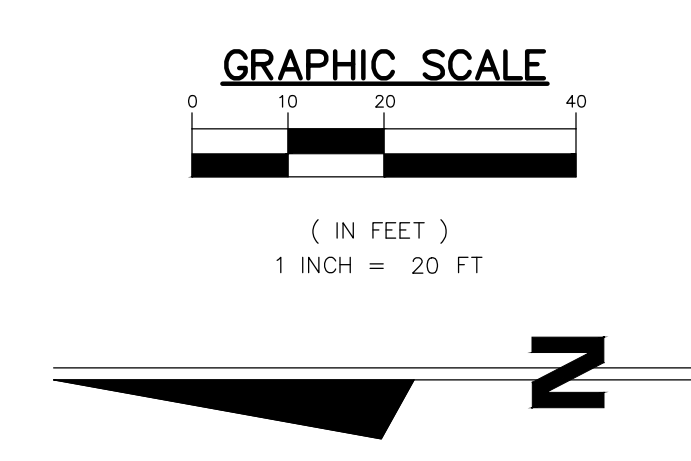
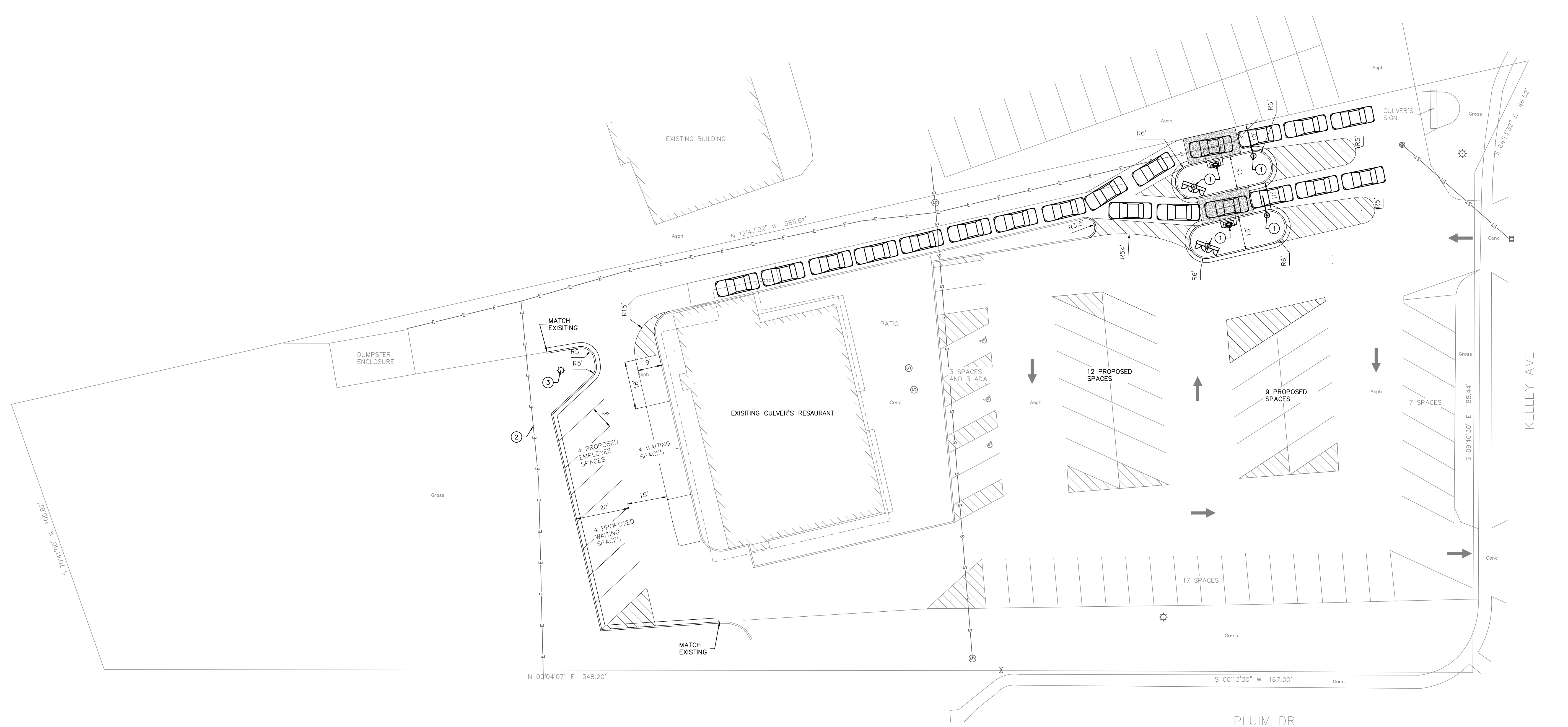
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PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed ordinance in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Susan Leahy  
Zoning Administrator  
City of Waupun  
(PUBLISH August 11 and August 18, 2021)

1. ACREAGE OF SITE ..... (88,158 SF) ..... 2.02 AC
2. LAND COVERAGE:  
IMPERVIOUS: NET GAIN OF 2,331 SF
3. SITE PARKING: NET GAIN OF 2 SPACES AND 4 WAITING SPACES

- ① MENU BOARDS, SPEAKER POSTS, AND HEIGHT BARS BY OTHERS
- ② CONTRACTOR TO FIELD VERIFY EXISTING ELECTRIC LINE AND DETERMINE WHETHER GRADING OF SLOPE, OR RETAINING WALL INSTALLATION IS NECESSARY.
- ③ FINAL LOCATION OF THE PROPOSED LIGHT POLE TO BE COORDINATED ON SITE BETWEEN CONTRACTOR AND ELECTRICIAN



<p><b>CULVER'S OF WAUPUN</b></p> <p>300 KELLY AVE WAUPUN, WI 53963</p> <p><b>McCON BUILDING CORPORATION</b></p> <p>1059 CIRCLE DRIVE P.O. BOX 247 HIGHLAND, WI 53543</p>	<p><b>PRELIMINARY FOR REVIEW PURPOSES ONLY</b></p>		<p><b>JONES PETRIE RAFINSKI</b></p> <p><b>jr</b></p> <p>Elkhart, IN South Bend, IN Fort Wayne, IN</p> <p>p: 574.293.7762 p: 574.232.4388 p: 260.427.2522</p>	<p>The concepts, designs, plans, details and other information as shown on this document are the sole property of JPR and were created, developed, and prepared for use on this specific project. No portion of this document may be reproduced, stored in a retrieval system, or disseminated without the expressed written permission of JPR. © 2021 JPR. All Rights Reserved.</p>
	<p>DESIGNED BY: MC / JW</p> <p>DRAWN BY: MC / JW</p> <p>DATE: AUGUST 2021</p> <p>JOB NUMBER: 2021-0037</p> <p>SCALE: 1"=20'</p>	<p>REV.</p> <p>BY</p> <p>DATE</p>		
<p><b>C201</b></p>				

**DATE:** August 18, 2021  
**TO:** Sarah Van Buren and City of Waupun Plan Commission  
**FROM:** Patrick Beilfuss, Seth Hudson  
**REGARDING:** Residential Zoning District Amendments and Draft ADU

Please see the updated amendments to the various zoning districts and draft ADU provisions.  
Below is a brief explanation of the updates.

### **Residential Districts**

1. R-1 Single-Family District: Reduced lot width to 60' and minimum lot size to 7,500 based on popular single-family home style being built in the area.
2. R-2 Two-Family Residential District: No additional changes discussed but please look at (c)(i). We believe the current minimum lot size for two-family dwellings was excessive based on amendments to the R-1 District. We reduced it to match R-1 District requirements.
3. R-3 Multiple-Family Residential District: No additional changes discussed.
4. R-4 Central Area Single-Family Residential District: Renamed to Mixed Residential District and combined the R-4 and R-5 Districts.
5. R-5 Mixed Residential District: Deleted and combined with R-4 Central Area Single-Family Residential District
6. R-6 Mobile Home District: Now R-5 and updated references to the R-6 District.

### **Accessory Dwelling Units (ADU)**

1. Amendments to the Lot and Building Requirement chart and list of zoning district.
2. Please review the parameters for ADUs. Listing this under General Provisions seems to be the best fit in Waupun's municipal code based on previous additions to other requirements in this location.
3. Added a definition of ADU's using numbering consistent with other areas of the code.

We look forward to our discussion on the 25<sup>th</sup>.

## 16.03 - RESIDENTIAL DISTRICT REQUIREMENTS.

### (1) R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (a) Purpose. The R-1 District is intended to provide for single-family residential land uses in urban areas served by public sewers. The District is also intended to provide an area for development on larger lots protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-1 District:
  - (i) Single-family dwellings; and
  - (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
  - (iii) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
    - a. Trailers may be parked in a private garage.
    - b. Trailers must be of enclosed type trailers.
    - c. No outside storage of wood or building materials is allowed.
    - d. If trailers are stored outside, they must be placed on a hard surface area i.e. asphalt, concrete.
    - e. No trailer may be parked beyond the front yard setback line of the principal building.
  - (iv) Off-street parking of motor vehicles not defined as a recreation vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:
  - (i) Have a minimum lot size of ~~10,000~~ 7,500 square feet per family and a minimum lot width of ~~90~~ 60 feet; (Am. #05-07)
  - (ii) Have a front yard setback of 25, feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
  - (iii) Not exceed a maximum principal building height of 35 feet; and
  - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-1 District:
  - (i) Churches, public and parochial schools, and libraries;
  - (ii) Recreational and community center buildings and grounds and county fairgrounds; and
  - (iii) Public parks and playgrounds.
- (e) Prohibited Uses. The following uses shall be prohibited in and R-1 District: (Ord. 02-03)
  - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

**(2) R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

- (a) Purpose. The R-2 District is intended to provide for two-family residential land use in urban areas served by public sewer. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-2 District: (Ord. 94-22A)
- (i) Single-family dwellings;
  - (ii) Two-family dwellings, [split two-family dwellings](#); and
  - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
  - (iv) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
    - a. Trailers may be parked in a private garage.
    - b. Trailers must be of enclosed type trailers.
    - c. No outside storage of wood or building materials is allowed.
    - d. If trailers are stored outside, they must be placed on a hard surface i.e. asphalt, concrete.
    - e. No trailer may be parked beyond the front yard setback line of the principal building.
  - (v) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-2 District, a lot or structure must:
- (i) [For a two-family dwelling, ~~H~~have a minimum lot size of ~~10,000~~7,500 square feet per family and a minimum lot width of 90 feet; \(Am. #05-07\)](#)
  - (ii) Have a front yard setback of 25, feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
  - (iii) Not exceed a maximum principal building height of 35 feet; and
  - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
  - [\(iii\) For a split two-family dwelling, provided that the requirements shall be as provided in subsection \(2\)\(c\), except as specifically listed below: \(Ord. 00-19A\)](#)
    - [a. The lot area shall be no less than 4,000 square feet for each individual lot;](#)
    - [b. The attached side yard setback shall be zero feet;](#)
    - [c. Restrictive covenants regarding property maintenance, in such form as is approved by the Building Inspector, shall be recorded and maintained with regard to each lot.](#)
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-2 District:
- (i) Churches;
  - (ii) Public parks and playgrounds;
  - [\(iii\) Split two-family dwelling, provided that the requirements shall be as provided in subsection \(2\)\(c\), except as specifically listed below: \(Ord. 00-19A\)](#)
    - [a. The lot area shall be no less than 4,000 square feet for each individual lot;](#)

~~b. The attached side yard setback shall be zero feet;~~

~~c. Restrictive covenants regarding property maintenance, in such form as is approved by the Building Inspector, shall be recorded and maintained with regard to each lot.~~

(e) Prohibited Uses. The following uses shall be prohibited in an R-2 District: (Ord. 02-03)

- (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

**(3) R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

- (a) Purpose. The R-3 District is intended to provide appropriate areas for only multifamily land use in urban areas served with public sewers. The District is also intended to provide rental housing in an area protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-3 District:
- (i) Two-family dwellings and Multiple-family dwellings; and
  - (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business.
  - (iii) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-3 District, a lot or structure must:
- (i) Have a minimum lot size of 3,000 square feet per family up to and including 4 families, and 1,500 square feet per family thereafter and a minimum lot width of 90 feet; (Am. #05-07)
  - (ii) Have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 15 feet;
  - (iii) Not exceed a maximum principal building height of 45 feet; and
  - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 20 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-3 District:
- (i) Charitable institutions, rest homes or nursing homes, private nonprofit clubs and lodges;
  - (ii) Churches; and
  - (iii) Public parks and playgrounds.
  - ~~(iv) Split two-family dwelling, provided that the requirements shall be as provided in subsection (3)(c), except as specifically listed below: (Ord. 00-19A)~~
    - ~~a. The lot are shall be no less than 4,000 square feet for each individual lot;~~
    - ~~b. The attached side yard setback shall be zero feet;~~
    - ~~c. Restrictive covenants regarding property maintenance, approved in form by the Building Inspector, shall be recorded and maintained with regard to each lot.~~
- (e) Prohibited Uses. The following uses shall be prohibited in an R-3 District: (Ord. 02-03)
- (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.



(4) ~~R-4 CENTRAL AREA SINGLE-FAMILY RESIDENTIAL DISTRICT.~~ R-4 MIXED RESIDENTIAL DISTRICT.

- (a) Purpose. The R-4 District is intended to provide for single-family dwellings and two-family dwellings in areas of older subdivisions with smaller lot sizes. The District is also intended to provide an area protected from traffic hazards. ~~and protection from conversions to two-family or multifamily units.~~
- (b) Permitted Uses. The following uses are permitted within an R-4 District:
- (i) Single-family dwellings and two-family dwellings; and
  - (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
  - (iii) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
    - a. Trailers may be parked in a private garage.
    - b. Trailers must be of enclosed type trailers.
    - c. No outside storage of wood or building materials is allowed.
    - d. If trailers are stored outside, they must be placed on a hard surface area i.e. asphalt, concrete.
    - e. No trailer may be parked beyond the front yard setback line of the principal building.
  - (iv) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
  - (v) Museums, exclusive of outdoor exhibits. (Cr. #12-01-A)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-4 District, a lot or structure must:
- (i) Have a minimum lot size of 6,000 square feet per family and a minimum lot width of 42 feet;
  - (ii) Have a front yard setback, which is no less than that of both adjoining structures, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
  - (iii) Not exceed a maximum principal building height of 35 feet; and
  - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-4 District:
- (i) Churches, public and parochial schools, and libraries;
  - (ii) Recreational and community center buildings and grounds, county fairgrounds, and armories;
  - (iii) Boarding and rooming houses where meals or lodging are provided for not more than 6 persons not members of the same family;
  - (iv) Optometrists offices and funeral homes;
  - (v) Bed and breakfast services; and
  - (vi) Public parks and playgrounds.
  - (vii) Split two-family dwelling, provided that the requirements shall be as provided in subsection (4)(c), except as specifically listed below: (Ord. 00-19A)
    - a. The lot ~~are~~ shall be no less than 4,000 square feet for each individual lot;
    - b. The attached side yard setback shall be zero feet;

- c. The architecture of a split two-family home must be consistent with the architecture of the neighborhood it is located and shall be approved by City Council.
- ed. Restrictive covenants regarding property maintenance, approved in form by the Building Inspector, shall be recorded and maintained with regard to each lot.
- (viii) Accessory uses including outdoor exhibits, parking, offices, storage areas, banquet facilities, conference rooms, antique shops and retail as accessory to and clearly incidental to a museum on the premises. (Cr. #12-01-A)
- (e) Prohibited Uses. The following uses shall be prohibited in an R-4 District: (Ord. 02-03)
  - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

**~~(5) R-5 MIXED RESIDENTIAL DISTRICT.~~**

- ~~(a) Purpose. The R-5 District is intended to provide for single-family and two-family dwellings in areas of older subdivisions with smaller lot sizes. The District is also intended to provide an area protecting from traffic hazards.~~
- ~~(b) Permitted Uses. The following uses are permitted within an R-5 District:~~
- ~~(i) Single-family dwellings; and~~
  - ~~(ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.~~
  - ~~(iii) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)~~
    - ~~a. Trailers may be parked in a private garage.~~
    - ~~b. Trailers must be of enclosed type trailers.~~
    - ~~c. No outside storage of wood or building materials is allowed.~~
    - ~~d. If trailers are stored outside, they must be placed on a hard surface area i.e. asphalt, concrete.~~
    - ~~e. No trailer may be parked beyond the front yard setback line of the principal building.~~
  - ~~(iv) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into the required vision triangle. (Ord. 04-06)~~
- ~~(c) Requirements. In order to be considered a conforming lot or structure within an R-5 District, a lot or structure must:~~
- ~~(i) Have a minimum size of 6,000 square feet per family and a minimum lot width of 42 feet;~~
  - ~~(ii) Have a front yard setback, which is no less than that of both adjoining structures, a rear yard setback of 25 feet, and a side yard setback of 6 feet;~~
  - ~~(iii) Not exceed a maximum principal building height of 35 feet; and~~
  - ~~(iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 15 feet.~~
- ~~(d) Conditional Uses. The following uses shall be considered conditional uses within an R-5 District:~~
- ~~(i) Churches, public and parochial schools, and libraries;~~
  - ~~(ii) Recreational and community center buildings and grounds and county fairgrounds;~~
  - ~~(iii) Boarding and rooming houses where meals or lodging are provided for not more than 6 persons not members of the same family;~~
  - ~~(iv) Two-family dwellings;~~
  - ~~(v) Funeral homes;~~
  - ~~(vi) Bed and breakfast services; and~~
  - ~~(vii) Public parks and playgrounds.~~
- ~~(e) Prohibited Uses. The following uses shall be prohibited in an R-5 District: (Ord. 02-03)~~
- ~~(i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.~~

**(56) R-6-5 MOBILE HOME DISTRICT.**

- (a) Purpose. The R-6-5 District is intended to provide delineated areas for mobile homes and mobile home parks that are served by public sewers. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following are permitted within an R-6-5 District:
  - (i) Mobile homes;
  - (ii) Manufactured homes; and
  - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
  - (iv) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
    - a. Trailers may be parked in a private garage.
    - b. Trailers must be of enclosed type trailers.
    - c. No outside storage of wood or building materials is allowed.
    - d. If trailers are stored outside, they must be placed on a hard surface i.e. asphalt, concrete.
    - e. No trailer may be parked beyond the front yard setback line of the principal building.
  - (v) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-6-5 District, a lot or structure must:
  - (i) Have a minimum lot size of 6,000 square feet and minimum lot width of 50 feet;
  - (ii) Have a front yard setback of 20 feet, a rear yard setback of 10 feet, and a side yard setback of 5 feet; (Ord. 98-07)
  - (iii) Not exceed a maximum principal building height of 25 feet; and
  - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 8 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-6-5 District:
  - (i) Mobile home parks of at least 5 acres in size;
  - (ii) Churches; and
  - (iii) Parks.
- (e) Special Conditions. The following special conditions shall apply with an R-6-5 District:
  - (i) Definitions:
    - a. "Accessory structure" shall mean detached structures and buildings such as tool sheds, garages, and storage buildings.
    - b. "Court", "mobile home court", "mobile home park", and "park" shall be deemed synonymous, and shall be defined as any plot or plots of ground owned by a person, state government, or a local government upon which 2 or more mobile homes occupied for dwelling or sleeping purposes are located regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile homes work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.

- c. "Hard surface" shall mean concrete or asphalt concrete or similar material acceptable to the Department of Public Works Director.
- d. "Licensee" means any person licensed to operate and maintain a court under the provisions of this Ordinance.
- e. "Mobile home" means a structure, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in it. In computing square footage, length is multiplied by width. In this subsection, "length" means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of the drawbar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms, but not bay windows, porches, drawbars, couplings, attachments. In this subsection, "width" means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls living or other interior space, and that distance includes expandable rooms, but not bay windows, porches, wall and roof extensions, or other attachments.
- f. "Mobile home lot" means a parcel of land designed for the exclusive use of the occupants of a single mobile home.
- g. "Mobile home stand" means that part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures or additions.
- h. "Occupant" means any individual who resides in a mobile home.

(ii) *Procedures and Applications:*

- a. License Required: No person shall construct, expand, or operate a mobile home court within the City of Waupun unless he or she holds a valid license issued by the City Clerk. The City Clerk shall issue a license only after the following actions have taken place:
  - The land intended for use a mobile home court has been duly zoned for such purpose;
  - The application for such license or renewal thereof shall be approved by the City Plan Commission and the Board of Public Works and the City Council, the City Council shall not approve said license until after it receives a recommendation from the Waupun Public Utility Commission as to the feasibility of serving the proposed park with utilities.
  - The applicant completes an application form and submits it to the City Clerk together with the required license fee; and
  - Final development plans meet the standards of this Ordinance and the requirements thereof.
- b. Fees and Expiration Date (per §66.058, Wis. Stats.) are as follows:
  - Annual mobile home court license shall be \$100.00 for each 50 spaces or fraction thereof;
  - Mobile home court license transfer fee shall be \$10.00;
  - Surety bond in the sum of \$2,000.00, this bond shall guarantee the collection by the licensee of the monthly parking permit provided for in this Ordinance and the payment of such fees to the City Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed or levied against said licensee for a violation of this section, and shall also be for the use and recovery had thereon by

any person who may be injured or damaged by reason of the licensee violating the provisions of this section; and

- Expiration: All such licenses are to expire on the 30th day of June of each year and shall be renewed annually, there shall be no proration of fees.

c. Application for Mobile Home Court License:

- The application for a permit or renewal thereof shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by him to construct or maintain the mobile home court and make the application), and such legal description of the premises upon which the mobile home court is or will be located as will readily identify and definitely locate the premises; and
- Application for an existing, new or revised mobile home court shall be accompanied by 4 copies of the court plan showing the following either existing or proposed: the extent and area for park purposes; the location, number and dimensions of all mobile home court lots; the location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas; the location of automobile parking areas; the location of utility easements; and plans and specifications of all buildings and other improvements constructed or to be constructed within the court.

(iii) *Location Outside of Mobile Home District:*

- a. No person shall park or occupy any mobile home on any premises which is outside the R-56 Mobile Home District.

(iv) *Inspection and Enforcement:*

- a. No mobile home court permits shall be issued until the City Clerk shall notify the Chief of Police, Health Department, Chief of the Fire Department and the Building Inspector, or their authorized agents of such application. These officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto.
- b. These officials shall furnish to the City Plan Commission and the Board of Public Works in writing the information derived from such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the office is certifying.
- c. No permit shall be renewed without a reinspection of the premises.
- d. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.
- e. Violations of the provisions of this section are punishable under §18.04 of the General Code of the City of Waupun.

(v) *Duty of License Holder:*

- a. It shall be the duty of the license holder to file with the City Clerk a monthly report containing the following information on a form sheet:
- Name of mobile home court, name and address of owner, agent or operator; and
  - A tabulation of mobile home court occupancy listing, lot designation, occupants names, monthly tax and date of departure and arrival.

- b. Within 5 days of the arrival of each new mobile home occupant, the owner or operator shall submit in duplicate to the City Assessor, a form from the Wisconsin Department of Revenue entitled Statement of Monthly Parking Permit Fee-Mobile Home.
  - c. Monthly parking permit fee shall be imposed.
    - There is hereby imposed on each owner or occupant of a mobile home a monthly mobile home parking permit fee to be determined in the manner hereinafter set forth; and
    - Effective January 1 of each year hereafter, the City Assessor shall determine the total fair market value of each mobile home subject to this Ordinance. The fair market value, minus the value of the exempt household furnishings, shall be equalized to the general level of assessment on other real and personal property in the City. The value of each mobile home assessed shall be multiplied by the tax rate established for the preceding annual assessment of general property. The resulting amount shall be reduced by the credit allowed under §79.10, Wis. Stats., and the amount thus computed shall be divided by 12, which amount shall represent the monthly mobile home parking permit fee. A new fee rate and a new valuation shall be established each January 1 and shall continue for that calendar year.
  - d. The fee shall be applicable to occupied mobile homes moving into the City of Waupun any time during the calendar year. Liability for the fee shall begin on the first date of the month next succeeding the month in which the mobile home was moved into the City.
  - e. The monthly mobile home permit parking fee for mobile homes located outside of a court shall be paid to the City Treasurer on or before the 10th day of the month for which such fee is due.
  - f. The operator of a mobile home court shall be obligated to collect the monthly parking fee from the owner or occupant of the mobile home. Such fees for mobile homes located in a mobile home court shall be paid to the City Treasurer on or before the 15th day of the month for which such fee is due. The operator of the trailer park shall have no obligation to collect such monthly parking fees until the operator has been advised by the City Clerk of the amount of such monthly permit fee to be collected.
  - g. Mobile home licenses may elect to pay the permit fees on an annual or semiannual basis.
  - h. The operator of a mobile home court shall be liable for the monthly parking permit fee for any mobile home occupying space in the mobile home court should the owner or occupant of the mobile home fail to pay the permit fee when required.
  - i. The owner of the real estate upon which any mobile home is situated outside of a mobile home court shall be liable for the monthly parking permit fee for any mobile home situated on his or her real estate should the owner or occupant of the mobile home fail to pay the permit fee when required.
  - j. Any owner or occupant of a mobile home, mobile home court licensee or owner of real estate upon which a mobile home is located shall forfeit to the City such sum as may compensate the City for legal or collection fees and costs.
  - k. Failure to timely pay the parking permit fees as herein provided shall result in the permit fee becoming a lien upon the real estate upon which the mobile home is situated.
  - l. Parking permit fees shall be paid and distributed to the appropriate school district as provided by §66.059(8), Wis. Stats.
- (vi) *Mobile Home Court Parking:*
- a. General provisions:

- Only one mobile home shall be placed on a lot; and
  - Each mobile home lot shall abut upon a roadway within an approved court.
- b. No part of any court shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of court residents and for the management and maintenance of the court as approved by the City Council.
- c. No signs shall be permitted except the following:
- One nonflashing identification sign stating only the name of the court and services available may be permitted provided the sign does not project into the public right-of-way; and
  - Any necessary regulatory signs such as street name signs, entrance and exit signs, etc.

(vii) *Standards:*

- a. Court size:
- Mobile home court minimum acreage: 5 acres.
- b. Length of residential occupancy. No lot shall be rented for residential use of a mobile home in any such mobile home court except for periods of 30 days or more.
- c. Compliance with code standards. No mobile home shall be admitted to any mobile home court unless it can be demonstrated that it meets the requirements of American Standards of Installation in Mobile Homes of Electrical, Heating and Plumbing Systems; or M.H.A. (Mobile Home Manufacturing Association) Mobile Homes Standards for Plumbing, Heating and Electrical Systems.
- d. Minimum lot width and setback standards:
- Setback Standards—Mobile Home Courts

	Mobile Home	Accessory Street
1. Front setback	20 ft.	20 ft.
2. Sideyard setback	10 ft.	5 ft.
3. Rearyard setback	10 ft.	5 ft.
4. Corner street sideyard	10 ft.	10 ft.
5. From any public street	20 ft.	20 ft.

- Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary: Mobile Home, 50 feet; Accessory Street, 30 feet.
- Minimum lot area: 6,000 square feet.



- e. **Parking.** At least 2 off-street hard surface parking spaces shall be provided for each mobile home lot. The size of each space must be at least 9 feet by 20 feet. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.
- f. **Screening.** There shall be provided a screening buffer strip along the boundary of the mobile home court where it abuts a residential district. Such screening shall be at least 5 feet in width and 5 feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier.
- g. **Recreation requirements.** Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the court is designed to serve. Not less than 10% of the total gross court area shall be devoted to recreational facilities and open space.
- h. **Tenant storage.** One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 144 square feet, and does not exceed 8 feet in height.
- i. **Additions and alterations:**
  - **Permit Required.** A permit by the Building Inspector shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, windows, doors, or tenant storage structures;
  - **Size of Expansion.** No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile homes shall exceed in height the height of the existing mobile home;
  - **Conform to Setbacks.** Any addition to a mobile home shall be deemed a part of the mobile home and shall conform to the setback requirements as the existing mobile home; and
  - **Skirting Required.** Vented skirting of mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage or environment for rodents or create a fire hazard.
- j. **Mobile home stand and tie downs:**
  - A mobile home stand shall be continuous 4-inch concrete single slab or an approved alternate to support the mobile home; and
  - The mobile home stand shall be provided 6 anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors, or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner and middle of each side of a mobile home stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
- k. **Roadways:**
  - All roadways created by a mobile home court shall be hard surfaced as specified by the City Engineer;
  - The minimum pavement width of roadway shall be 30 feet. The minimum pavement diameter of cul-de-sacs shall be 40 feet; and
  - The alignment and gradient shall be properly adapted to topography, to save movement or types of traffic anticipated and satisfactory control of surface water and ground water.

- I. Lot markers. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.
    - m. Fences and hedges shall comply with the requirements of this Ordinance.
- (f) Prohibited Uses. The following uses shall be prohibited in an R-56 District: (Ord. 02-03)
  - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in a residential zoned district is prohibited.

**(7) R-7 SINGLE-FAMILY MANUFACTURED HOME DISTRICT. (Ord. 94-13)**

- (a) Purpose. The R-7 District is intended to provide single-family residential manufactured home land uses in urban areas served by public sewers. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following are permitted within an R-7 District:
  - (i) Single-family manufactured homes;
  - (ii) Single-family dwellings;
  - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
- (c) Requirements. In order to be considered a conforming lot or structure within an R-7 District, a lot or structure must:
  - (i) Have a minimum lot size of 8,000 square feet per family and a minimum lot width of 80 feet;
  - (ii) Have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
  - (iii) Not exceed a maximum principal building height of 35 feet;
  - (iv) Be aesthetically compatible with other structures in the District and compatible with the overall site design; and
  - (v) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 15 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-7 District:
  - (i) Churches, public and parochial schools, and libraries;
  - (ii) Recreational and community center buildings and grounds and county fairgrounds; and
  - (iii) Public and private parks and playgrounds.
- (e) Prohibited Uses. The following uses shall be prohibited in an R-7 District: (Ord. 02-03)
  - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.
- (f) Site Plan Review. No manufactured home shall be located within the District unless site development plans have been prepared and approved by the Plan Commission, using a procedure substantially in accordance with §16.17 of this Zoning Code. At least 10 days prior written notice of this site plan review shall be given, either personally or by mail, to all owners of real estate within 100 feet of the boundaries of the real estate on which location of the Manufactured Home is sought.

(Ord. No. 18-06, § 1, 10-9-2018)

- (7) TITLE. This Ordinance shall be known and referred to, or cited as the "Zoning Ordinance, City Of Waupun, Wisconsin."
- (8) EFFECTIVE DATE. This Ordinance shall be effective after a Public Hearing, adoption by the City Council and publication or posting as required by law.
- (9) ZONING DISTRICTS. (Ord. 94-13) Zoning Districts are provided as follows:

R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multiple-Family Residential
R-4	<del>Central Area Single-Family Residential</del>
R-5-4	Mixed Residential
R-6-5	Mobile Home
R-7-6	Single-Family Manufactured Home
B-1	Business/Professional Offices
B-2	Central Business
B-3	Shopping Center Business
B-4	Interchange Business
B-5	Warehousing/Business
B-6	Neighborhood Commercial
M-1	Closed Storage/Light Industrial
M-2	Open Storage/Heavy Industrial
MHO	Manufactured Home Overlay
C	Conservancy
PD	Planned Development

- (i) A Building Permit for fences shall be required when any one section exceeds 20 feet in length.
- (ii) Rear or side yard fences may be placed immediately adjacent to, but not across the property lines, and shall be placed so that the most aesthetic side is facing adjoining lots.
- (iii) Fences shall not exceed 72 inches in height, in all but industrial districts. No fence shall be less than 30 inches in height.
- (iv) Fences may be placed or erected in the front yard building setback line provided they do not exceed 4 feet in height and are 90% see-through.
- (v) A fence may encroach upon a vision triangle provided it does not exceed 4 feet in height, is 90% see-through, and does not obstruct the vision of either pedestrians or motorists.
- (vi) Fences may be constructed of wood, wire, metal, stone, or a combination thereof. Wire fences shall be of a mesh or woven design. No single strand wire fences are permitted. No barbed wire shall be used in fence construction.
- (vii) All fences shall be kept in good repair and condition.
- (viii) All fences shall meet the structural and permit requirements of the Building Code.
- (ix) Any person constructing a fence shall be required to contact Digger's Hotline before placing fence posts.

(k) Accessory Dwelling Units (ADU). (Ord. 01-08)

- (i) An accessory dwelling unit is allowed on lots occupied by a single-family dwelling.
- (ii) Accessory dwelling units are subject to all applicable regulations of the zoning district in which it is located, unless otherwise expressly stated in this section.
- (iii) Only one accessory dwelling unit is allowed per lot.
- (iv) An accessory dwelling unit may be created by any one of the following methods.
  - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
  - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
  - c. Converting existing area above an attached garage into an ADU;
  - d. Constructing a new principal dwelling unit and utilizing one of the methods provided in a, b, or c.
- (v) The property owner shall occupy either the principal dwelling unit or the ADU;
- (vi) One off-street parking space shall be provided for the ADU;
- (vii) A Conditional Use Permit is required for an ADU;
- (viii) Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created.
- (ix) Any exterior changes or additions for an accessory dwelling unit shall be constructed of similar material and shall be architecturally compatible with the principal dwelling unit including but not limited to roof pitch and trim.
- (x) The floor area of an accessory dwelling unit may not exceed fifty percent of the gross floor area of the principal dwelling unit on the subject lot or six hundred fifty square feet, whichever is less. Gross floor area does not include garages, basements areas where the floor-to-ceiling height is less than seven feet, and any other areas of the building where the floor-to-ceiling height is less than five feet or not accessible by a stairway.



- (xi) Prior to establishment of an accessory dwelling unit, the building inspector shall certify that the principal dwelling unit meets applicable building codes, and the accessory dwelling unit shall comply with all applicable building codes.
- (xii) Both the principal dwelling unit and accessory dwelling unit shall be connected to municipal water and sanitary sewer.
- (xiii) Accessory dwelling units shall not be used for short term leases (less than 30 days) or vacation rentals.

(Ord. No. 19-09, § 2, 11-12-2019)

## 16.02 - DEFINITIONS.

For the purpose of this Ordinance, certain words and terms are defined as listed below. Also, words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State and City Building Codes.

- (1) **ACCESSORY BUILDING OR STRUCTURE.** (Ord. 01-08) Any detached building or structure subordinate to the main building or structure, and used for a purpose customarily incidental to the permitted use of the main building, structure or the use of the premises, not including detached garages as defined herein. Accessory buildings and structures include, but are not limited to, utility storage buildings less than 144 square feet in area, carports, greenhouses, screened enclosures, decks, swimming pools, bathhouse and filter equipment sheds, playhouses, gazeboes and satellite dish antennas.
  - (a) [ Utility Buildings. ] Utility buildings exceeding 144 square feet in area will require a building permit and shall be included in the calculation of the allowable square footage for a detached private garage.
  - (b) Outdoor Wood Burning Furnaces. (Cr. #05-06) Includes an accessory structure or appliance designed for location ordinarily outside the principal structure and to transfer or provide heat via liquid or other means, by burning wood, corn, pellets or other solid fuels for heating any principal or accessory structure on the premises. Does not include fire pits, barbecues, fryers or chimneys.
    - (i) Prohibited in all districts.
- (1a) **ACCESSORY DWELLING UNIT.** Additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities.
- (2) **BOARDING HOUSES.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 6 persons and not open to transient customers.
- (3) **BOATHOUSE.** An accessory building designed for the protection or storage of boats, which shall not be used for either temporary or permanent dwelling purposes, and shall not exceed 8 feet in height, but this shall not prohibit the erection of a temporary flexible covering or sunshade over flat roofs or decks not to exceed 15 feet in height.
- (4) **BUILDING.** Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (5) **BUILDING HEIGHT.** The vertical distance from the average curb level; in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the

# 16.10 - LOT AND BUILDING REQUIREMENTS .

- (1) No lot shall be used and no building shall be erected except in conformance with the following schedule. (Ord. 98-07)

	Lot Area (sq.ft.)	Lot Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Max. Bldg** Height (ft.)
R-1	8,000	80	30	6	25	35
R-2	12,000	80	30	6	25	35
R-3	A	80	30	15	25	45
<del>R-4</del>	<del>6,000</del>	<del>42</del>	<del>30</del>	<del>6</del>	<del>25</del>	<del>35</del>
R- <del>5</del> 4	6,000	42	30	6	25	35
R- <del>6</del> 5	6,000+	50	20	5	10	25
B-1	8,000	80	25	9	25	30
B-2	8,000	40	0	0	0	60
B-3	2***	150	25	20	40	50
B-4	1***	120	40	20	20	60
B-5	20,000	100	15	15	15	65
B-6	8,000	60	25	10	10	45
M-1	1***	100	15	15	15	65
M-2	1***	100	15	15	15	65
C	6,000	42	-	-	-	-
PD	B	80	25	8	15	45