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CHAPTER 17: ZONING ORDINANCE

SUBCHAPTER 17-0: INTRODUCTION

Section 17.000 Authority

(Amended Ordinance No. 14-O857 – adopted 6/17/14) These regulations are adopted under the authority granted by Sections 62.23(7), 62.233, and 87.30 of the Wisconsin Statutes.

Section 17.001 Title

This Ordinance shall be known as, referred to, and cited as the "ZONING ORDINANCE, CITY OF OCONOMOWOC, WISCONSIN" and is hereinafter referred to as the "Ordinance." This Zoning Ordinance is applicable to all territory located within the corporate limits of the City of Oconomowoc.

Section 17.002 Purpose and Intent

This Ordinance is adopted for the following purposes:

- (1) To promote land uses and development patterns that are consistent with the City's Comprehensive Plan and adopted neighborhood, corridor, or special area plans.
- (2) To promote and protect the public health, safety and general welfare of the City.
- (3) To secure safety from fire, flooding, pollution, contamination and other dangers.
- (4) To maintain and promote safe pedestrian and vehicular circulation.
- (5) To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage.
- (6) To ensure the provision of adequate open space for light, air, fire safety and recreation.
- (7) To protect environmentally sensitive areas.
- (8) To remove obstacles and provide incentives for energy conservation and renewable energy.
- (9) To promote the conservation, protection, restoration and enhancement of historic resources.
- (10) To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.
- (11) To preserve the natural scenic beauty of the City.
- (12) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
- (13) To stabilize and protect property values.
- (14) To protect groundwater resources.
- (15) To prevent the overcrowding of land and avoid undue concentration of population.
- (16) To facilitate the adequate provisions of transportation, water, sewerage, and burial sites.

Section 17.003 Relationship to Comprehensive Plan

The City's Comprehensive Plan establishes the objectives, goals, and policies that serve as a basis for this Zoning Ordinance. All provisions of this Ordinance and all amendments to this Ordinance shall be consistent with the City's Comprehensive Plan as adopted and revised or updated.

Section 17.004 Interpretation and Application

This Ordinance applies to all land and land development within the jurisdictional limits of the City of Oconomowoc, Wisconsin.

- (1) No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose or in any manner which is not in conformity with the provisions of this Chapter.
- (2) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.
- (3) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose high standards or requirements shall prevail, unless an exception to this provision is specifically noted.
- (4) This Ordinance does not supersede any easement, covenant or other private agreement. However, this Ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.
- (5) Any use, building, structure, or lot that lawfully exists at the time of the adoption of this Ordinance, or any subsequent amendment(s), may be continued, subject to the provisions of this Ordinance.
- (6) A building, structure or use that was unlawful when this Chapter was adopted does not become lawful solely by reason of the adoption of this Chapter unless said building, structure, or use is made lawful by this Chapter. To the extent that the unlawful building, structure or use conflicts with this Chapter, the building, structure or use remains unlawful under this Chapter.
- (7) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City.

Section 17.005 Zoning of Annexed Land

Pursuant to Wisconsin State Statutes, when any territory is brought into the jurisdiction of the City, by annexation or otherwise, such territory shall be deemed to be in the UR (Urban Reserve) District unless the City Council designates another zoning district at the time of annexation after review and recommendation by the Plan Commission, giving due consideration to the surrounding uses as well as the Comprehensive Plan, and provides notice that complies with the requirements of this Ordinance. The following requirements also apply to annexed land:

- (1) All lands annexed to the City after May 7, 1982 shall be subject to the Waukesha County Shoreland Zoning Ordinance in effect at the time of annexation unless the City enacts, administers, and enforces a zoning ordinance, for the annexed area, that complies with the shoreland zoning standards and that is at least restrictive as the County Shoreland Zoning Ordinance.

Section 17.006 Scope of Regulations

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

- (1) All new building sites shall meet the requirements of this Ordinance unless, prior to the effective date of this Ordinance, a building permit was issued and is still valid; provided construction is begun within one (1) year of such effective date and prosecuted to completion, said building may be:
 - (a) Completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
 - (b) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.
- (2) Where the City has issued a zoning approval pursuant to the provisions of this Ordinance, the approval shall become null and void unless the work thereon is underway within one (1) year of the date of issuance of such approval.

Section 17.007 Separability

- (1) In the event that any section of this Ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this Ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 17.008 Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted pursuant to earlier versions of this Chapter.

Section 17.009 Transition Rules

This section addresses the applicability of new substantive standards enacted by this Ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this Ordinance.

- (1) Any application that has been filed with the City Planning Department or Building Inspector and has been determined to be fully complete by the City Planner, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Ordinances and Codes that were in place at the time of the filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
- (2) Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Ordinances and Codes that were in place at time of filing.
- (3) Planned development districts in force at the time of adoption of this Ordinance shall continue to be controlled under the standards of the existing planned development district. However, processes for approving or amending adopted final development plans, or site plans, shall follow the procedures of this Ordinance.
- (4) Zoning districts, use lists and definitions applicable to previously approved documents, including rezoning, planned development districts, easements, deed restrictions and similar agreements, shall remain in force.
- (5) Any application before the Zoning Board of Appeals or any application that has been filed with the Planning Department and is determined to be fully completed by August 21, 2012, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Ordinance that were in place at the time of filing.

Section 17.010 Repeal of Conflicting Ordinances and Effective Date

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Chapter, are hereby repealed to the extent necessary to give this Chapter full force and effect. This Chapter shall become effective on August 22, 2012.

SUBCHAPTER 17-1: ESTABLISHMENT OF ZONING DISTRICTS

Section 17.101 Purpose

The area located within the corporate limits of the City, being the jurisdiction of this Chapter, is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted City Comprehensive Plan, and to achieve the purposes of this Chapter.

Section 17.102 Zoning Districts Established

In order to carry out the purposes and provisions of this Ordinance, the following zoning districts are hereby established:

Zoning District	Map Symbol
Rural Residential	RR
Suburban Residential	SR
Traditional Residential	TR
Multi-Unit (Low) Residential	RML
Multi-Unit (High) Residential	RMH
Isthmus Residential Multi	IRM
Isthmus Residential Single	IRS
General Commercial	GC
Mixed-Use Commercial	MC
Business Park	BP
Industrial	I
Urban Reserve	UR
Institutional / Public	IP

Section 17.103 Incorporation of Zoning District Map

The location and boundaries of the zoning districts are hereby established as shown on the map entitled "Official Zoning Map" on file in the office of the Zoning Administrator. The Official Zoning Map, together with all information shown thereon and all amendments thereto, shall be as much as part of this Ordinance as if fully set forth and described herein.

- (1) Location of District Boundaries: The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps.
- (a) A boundary shown as following a street, alley or railroad shall be construed as following the centerline of such feature.
 - (b) A boundary line shown as following a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.

- (c) When any highway or public ground acquired or held for highway purposes is discontinued, the land where the highway or public ground is located shall belong to the owner or owners of the adjoining lands and shall be construed to be the same zoning district as the lots. If the highway or public ground is located between the lands of different owners, it shall be attached to the lots to which it originally belonged if that can be ascertained. If the lots to which the land originally belonged cannot be ascertained, the land shall be equally divided between the owners of the lands on each side of the highway or public ground.
- (d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

Section 17.104 Residential Districts

- (1) General purposes of all residential zoning districts: The residential zoning districts are intended to:
 - (a) Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, and general welfare;
 - (b) Ensure adequate light, air, and privacy for all dwelling units with respect to density;
 - (c) Minimize traffic congestion and overloading of public services and utilities;
 - (d) Protect residential neighborhoods from incompatible uses that create excessive noise, illumination, unsightliness, odor, and smoke; and
 - (e) Create a mixture of residential uses and preserve edges and transitions between districts.
- (2) Rural Residential (RR): The RR zone is intended for development of housing at a target density of 1.0 dwelling units per gross acre. Detached single-family housing will be the predominant housing type in this zone.
- (3) Suburban Residential (SR): The SR zone is intended for development of housing at a target density of 3.0 dwelling units per gross acre. Detached single-family housing will be the predominant housing type in this zone.
- (4) Traditional Residential (TR): The TR zone is intended for development of housing at a target density of 6.0 dwelling units per gross acre. Detached single-family housing will be the predominant housing type in this zone.
- (5) Multi-Unit (Low) Residential (RML): The RML zone is intended for development of housing at a target density of 8.0 dwelling units per gross acre. Small lot single-family housing, duplexes, attached dwellings and multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone
- (6) Multi-Unit (High) Residential (RMH): The RMH zone is intended for development at a target density of 12.0 dwelling units per gross acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near heavily traveled roadways and adjacent to commercial districts.

- (7) Isthmus Residential Multi (IRM): The IRM zone is intended for development at a target density of 10.0 dwelling units per gross acre. The IRM zone is applied in the isthmus between Fowler Lake and Lac la Belle.
- (8) Isthmus Residential Single (IRS): The IRS zone is intended for development at a target density of 5.0 dwelling units per gross acre. IRS zone is applied in the isthmus between Fowler and Lac la Belle, and north of the North Lake Road bridge.

Section 17.105 Non-Residential and Other Districts

- (1) General purposes of all non-residential and other districts: The non-residential and other zoning districts are intended to:
 - (a) Provide appropriately located areas consistent with the Comprehensive Plan for retail, service, office, and industrial uses;
 - (b) Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities;
 - (c) Provide parks, open space, and other public facilities that serve the needs of the community; and
 - (d) Minimize any negative impact of nonresidential development on adjacent residential districts.
- (2) General Commercial (GC): The GC zone is established to provide for shopping, service and office facilities adjacent to heavily traveled roadways. This district is intended to meet the convenience shopping and service needs of City residents and attract people from surrounding communities.
- (3) Mixed-Use Commercial (MC): The MC zone is established to promote a concentration of mixed uses including retail, service, office, and residential uses. The location, mix and configuration of land uses are designed to encourage convenient alternatives to the automobile, safe and attractive streetscape, and a more livable community.
- (4) Business Park (BP): The BP zone is intended for a broad range of office, light industrial uses and other complimentary uses that promote high quality new development. The purpose of this district is to permit a variety of uses that will provide professional employment within the City while at the same time providing personal and professional services to the employees working within this zoning district.
- (5) Industrial (I): The I zone is intended for industrial uses that are generally not compatible with residential development because of their operational characteristics. This district is also intended for uses that may require outdoor areas to conduct business activities or for product storage or display. The purpose of this district is to permit the normal operations of any industry that can meet and maintain compliance with established State and Federal performance standards.
- (6) Urban Reserve (UR): (*Amended Ordinance No. 16-O887 – adopted 2/2/16*) The district is intended to provide a transition between surrounding Town agricultural/rural residential areas on large parcels of land at a low rate of population density. This district also serves as a holding zone for recently attached

or annexed properties to the City until the property is rezoned to a different zoning district. The City will not issue building permits for new single-family residential dwelling units on parcels over 10 acres in size within the UR, Urban Reserve Zoning District, unless the property owner prepares an overall site development plan for the property and strategically places the dwelling on a future lot per the site development plan. The site development plan shall include the conceptual layout of future lots, streets, access points, utility lines and significant environmental features. Sewer and water supply shall be extended to serve the proposed dwelling and the location thereof shall be based on the future lot layout. All City fees regarding public infrastructure needed to serve the proposed dwelling, including any outstanding special assessments or capital cost recovery charges, are required to be paid by the owner at time of permit. All easements requested by the City shall be granted at no cost by the property owner prior to release of building permit. No more than one dwelling will be allowed on each UR zoned parcel, until the property is rezoned and developed in accordance with the City's Comprehensive Land Use Plan.

- (7) Institutional/Public (IP): The IP Zone is intended to serve larger institutional facilities such as churches, campus, school sites and associated playgrounds, hospitals, sewer and water treatment facilities, and cemeteries. The district is for uses such as governmental services, education facilities, public parks, open space, and similar activities.

Section 17.106 Table of Allowed Uses

The Table below lists the uses allowed within all zoning districts. All uses are defined within this Zoning Ordinance. Approval of a use listed within this Table, and compliance with the applicable specific standards for use types, authorize that use only. Development or use of a property for any other use not specifically allowed in this Table and approved under the appropriate process is prohibited.

- (1) Explanation of table abbreviations:
- (a) Permitted By-Right Uses: "P" in a cell indicates that the use is permitted by right in the respective zoning district subject to all other applicable regulations of this Zoning Ordinance including the specific standards for use types.
 - (b) Conditional Uses: "C" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved with conditions in accordance with the procedures and applicable regulations of this Ordinance.
 - (c) Prohibited Uses: A blank cell indicates that the use is prohibited in the respective zoning district.
- (2) Table Organization: The Table of Allowed Uses classifies land uses and activities into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories and

specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

- (3) Classification of new and unlisted uses: The City recognizes that new types of land use will develop and forms of land use not anticipated in the Zoning Ordinance may seek to locate in the City. When application is made for a use type that is not specifically listed in the Table of Allowed Uses, the Zoning Administrator shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:
- (a) The Zoning Administrator shall provide an interpretation as to the zoning district into which such use should be placed. In making such interpretation, the Zoning Administrator shall consider the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated, and the general requirements for public utilities such as water, sanitary sewer and electrical.
 - (b) Standards for new and unlisted uses may be interpreted as those of a similar use.
 - (c) Appeals of the Zoning Administrator’s decision shall be made to the Zoning Board of Appeals following the procedures of this Ordinance.

Table of Allowed Uses														
P= Permitted C= Conditional Use		Residential							Non-Residential and Other					
Use Category	Use Type	R	S	T	R	R	I	I	G	M	B	I	I	U
		R	R	R	M	M	R	R	C	C	P		P	R
Residential Uses														
Household Living	Dwelling, single-family detached	P	P	P	P	P	P	P						P
	Dwelling, duplex	C	C	C	P	P	C	C		C			C	C
	Dwelling, live/work									P				
	Dwelling, multi-family				P	P	P			P				
Group Living	Community living arrangement (up to 8 residents)	P	P	P	P	P	P	P					P	
	Community living arrangement (9 or more residents)	C	C	C	C	C	C		C	C			P	
	Elderly housing, assisted living facility				P	P	P						P	
	Nursing home, hospice, life care center				P	P							P	

Table of Allowed Uses														
P= Permitted C= Conditional Use		Residential						Non-Residential and Other						
Use Category	Use Type	R	S	T	R	R	I	I	G	M	B	I	I	U
		R	R	R	M	M	R	R	C	C	P		P	R
Public, Institutional, and Civic Uses														
Community and Cultural Facilities	Government admn. and civic buildings								P	P	P	P	P	
	Social, fraternal lodges								P	P			P	
	Public safety facility								P	P	P	P	P	
	Cemetery												P	
	Library, museum								P	P			P	
	Places of worship								P	P			P	
Child Care Facilities	Child care center, nursery school								P	P			P	
	Daycare center operated by a non-profit organization	P	P	P	P	P	P	P	P	P			P	P
	Daycare home, family	P	P	P	P	P	P	P					P	
Health Care Facilities	Hospital								P	P	P		P	
	Immediate care facility								P	P	P		P	
	Medical or dental office/clinic								P	P	P	P	P	
	Physical, occupational or massage therapy								P	P	P	P	P	
Parks and Open Space	Athletic fields and courts								P	P			P	P
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P
	Open space	P	P	P	P	P	P	P	P	P	P	P	P	P
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P
Educational Facilities	College or university								P	P			P	
	Elementary or secondary school								P	P			P	
Agricultural Uses														
Agriculture	Cultivation													P
Commercial Uses														
Animal Related Services	Kennel	C							C	C	C	C		C
	Veterinary clinic	P							P	P	P	P		P
	Animal Grooming	P							P	P	P	P		P
Financial Services	Bank or similar use								P	P	P	P		
	Payday loan business								P	P				
	Bar or nightclub								P	P				

Table of Allowed Uses														
P= Permitted C= Conditional Use		Residential						Non-Residential and Other						
Use Category	Use Type	R	S	T	R	R	I	I	G	M	B	I	I	U
		R	R	R	M	M	R	R	C	C	P		P	R
Food and Beverage Services	Restaurant								P	P	P			
Lodging Facilities	Bed and breakfast	C	C	C	C	C	C	C	C	C			C	C
	Hotel, motel, or lodge								P	P	P	P		
Offices, Business and Professional	Office and similar uses								P	P	P	P	P	
Personal Services	Dry cleaning and laundry service								P	P	P	P		
	General personal services						C		P	P	P	C		
	Tattoo and body piercing establishments								P	P				
Recreation and Entertainment Indoor	Sexually orientated business											P		
	Art Gallery								P	P	P	P		
	Movie Theater								P	P				
	General Indoor Entertainment								P	P	P	P		
Recreation and Entertainment Outdoor	General outdoor recreation, commercial	C							C	C				C
	Golf course or driving range	C											P	C
Retail Sales	Greenhouse or nursery, commercial	P							P	P		P		P
	Grocery store								P	P				
	Liquor store								P	P				
	General Retail Sales								P	P				
Vehicles and Equipment	Parking lot/structure								P	P	P	P	P	
	Gasoline sales								C	C				
	Vehicle sales and rental								C	C				
	Vehicle service and repair								C	C	C	C		
Industrial Uses														
Industrial Service	Building materials sales								P	P	P	P		
	General industrial service										P	P		

Table of Allowed Uses														
P= Permitted C= Conditional Use		Residential							Non-Residential and Other					
Use Category	Use Type	R	S	T	R	R	I	I	G	M	B	I	I	U
		R	R	R	M	M	R	R	C	C	P		P	R
	Natural resource processing										C	C		C
	Recycling Collection Centers										P	P	P	
Manufacturing and Production	Assembly										P	P		
	Manufacturing										P	P		
Warehouse and freight movement	Mini-storage								C	C	C	P		
	Storage yard								C	C		C		C
	Wholesale/distribution centers										P	P		
Telecomm	Tower/antenna of any height	C	C	C	C	C	C	C	C	C	C	C	C	C
	Antenna on an existing structure	P	P	P	P	P	P	P	P	P	P	P	P	P

(Amended Towers - Ordinance #18-O950, adopted 12/18/18)

(Amended Medical or dental office / clinic – Ord. #19-O951, adopted 1/15/19)

(Amended Physical, occupational or massage therapy – Ord.#19-O951, adopt. 1/15/19)

(Various Updates to CUP Uses – Ord #19-O957, adopted 6/18/19)

Section 17.107 Agricultural Use-Specific Standards

- (1) Cultivation: Cultivation uses shall meet the following requirements:
- (a) All cultivation uses shall be setback a minimum of 15' from all property lines when cultivation uses are located along streets that contain curb and gutter and/or storm sewer systems.

Section 17.108 Conditional Use -Specific Standards *(Repealed and Recreated-Ordinance No. 19-O957 – adopted 6/18/19)*

- (1) Dwelling, Duplex
- (a) Shall have two addresses.
 - (b) Shall provide a minimum of two on-site parking stalls per unit.
 - (c) Shall have separate exterior access to each unit.
 - (d) Shall pay two refuse and recycling collections.
 - (e) Shall install two utility connection meters.
 - (f) Shall pay two applicable impact fees.
 - (g) Shall have two separate kitchens.
 - (h) Shall have a minimum of four egress means of exiting.
 - (i) Shall have a minimum of two separate garages.
 - (j) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances and all applicable laws.
- (2) Community Living Arrangement (9 or more residents)
- (a) Shall provide CBRF license to City prior to grant of final occupancy
 - (b) Provide security cameras as required by City Police Department
 - (c) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances and all applicable law.
- (3) Kennel
- (a) Shall not have more than 15 dogs outside at one time.
 - (b) Shall have all outdoor areas for dogs enclosed with 6' tall solid fence.
 - (c) All outdoor designated areas shall be a minimum of 100' from a residential property line.
 - (d) All indoor area with a shared wall shall be sound proofed with insulation.
 - (e) Disposal of dog waste shall be in a manor not to create any odor impacts to area.
 - (f) Dogs shall not be outside unsupervised past 8:00 PM.
 - (g) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances and all applicable laws.

(4) Bed and Breakfast

- (a) Applicant shall submit an on-site parking plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted. Parking shall only be on hard surface pavement.
- (b) Meals shall be only served to those staying on the property as registered guests.
- (c) The residence shall be occupied by the property owner.
- (d) The residence shall not be rented out for parties, special events, or similar functions.
- (e) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(5) General Personal Services

- (a) Preservation of Historic Architectural Style and Exterior. No structural alterations shall be allowed to the exterior of a building in the IRM District unless reviewed and approved by the Architectural Commission.
- (b) Hours of Operation. General personal services may operate only between the hours of 8:00 am and 8:00 pm.
- (c) Signage. Signage for general personal services in the IRM District shall be subject to review and approval by the Architectural Commission, and is prohibited unless and until approval is granted. Exterior signage illumination is permitted. There shall be no internally illuminated signs for general personal services in the IRM District. Signs shall incorporate design characteristics of the historical period in which the principal structure was constructed. The materials and colors shall be compatible with the principal structure. The size and placement of the proposed sign shall be in harmony with the overall size and frontage of the subject property as determined by the Architectural Commission. Sign plans shall be included with the conditional use permit application, which shall be subject to review and approval by the Zoning Administrator, and the use is prohibited unless and until it is approved by the Zoning Administrator. Signage in the I District shall conform with the sign requirements listed in the Zoning Ordinance.
- (d) Lighting. Exterior lighting for general personal services shall be reviewed by the Plan Commission, and is prohibited unless and until it is approved by the Plan Commission. Light levels shall be consistent with residential requirements and shall not exceed the intensity of illumination requirements of §17.211(6)(f).
- (e) Parking. Parking for general personal services in the IRM District shall be located in either the side or rear yard of the property. Plans for newly installed parking areas shall be submitted to, and shall be subject to review and approval by the Zoning Administrator and the Plan Commission, and is prohibited unless and until it is approved by the Plan Commission.
- (f) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(6) General Outdoor Recreation, Commercial

- (a) Hours of operation shall be limited to only operation between 8:00am and 10pm daily.
- (b) Applicant shall submit a dust control plan, which shall be subject to review and approval by the Zoning Administrator, and the use is prohibited unless and until it is approved by the Zoning Administrator.
- (c) Applicant shall provide on-site restrooms or a restroom use plan, which shall be subject to review and approval by the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (d) Applicant shall submit an on-site parking plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted. Parking shall only be on hard surface pavement.
- (e) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(7) Golf Course or Driving Range

- (a) For driving ranges, netting shall be installed on all areas adjacent to residential properties of sufficient and necessary height as determined by the Zoning Administrator to provide adequate protection of the surrounding land uses.
- (b) Outdoor storage shall be screened from all public right-of-ways and residential neighbors.
- (c) No outdoor activities are allowed between 10:00pm and 5:00am.
- (d) Special City Plan Commission permission is required for individual non-golf related events taking place on the Golf Course.
- (e) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(8) Gasoline Sales

- (a) Tanks shall meet the Federal safety requirements, including double lined walls.
- (b) No deliveries to the station between the hours of 11:00pm and 5:00am.
- (c) Shall not be located within the Well Head Protection area.
- (d) Shall demonstrate that the on-site truck turning movements for garbage pick-up, store delivery trucks or fuel unloading shall not interfere with the customer parking or pump parking.
- (e) Security cameras shall be installed as required by the City Police Department.
- (f) Outdoor storage plan, which shall be subject to the review and approval by the City Plan Commission, the use is prohibited unless and until such plan is approved by the Plan Commission.
- (g) Shall provide number and location for all proposed on-site electric charging stations.

- (h) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(9) Vehicle Sales and Rental

- (a) There shall be no streamers or inflatables allowed on the property.
- (b) All temporary signs shall comply with City ordinances.
- (c) Applicant shall submit a parking plan which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted. Cars shall be staged to allow for sufficient emergency access.
- (d) Applicant shall submit a vehicle delivery plan that provides room on site for operations of the loading and unloading of vehicles completely within the property boundaries.
- (e) Prior to sales, applicant shall obtain a Motor Vehicles Dealers license from the State of Wisconsin.
- (f) Lighting Plan shall be submitted that complies with City ordinances, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (g) No vehicle service or repair is allowed on the property unless approved by City.
- (h) Security cameras shall be installed as required by the City Police Department.
- (i) No outdoor speaker system shall be allowed.
- (j) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(10) Vehicle Service and Repair

- (a) All repair and service shall be conducted within the building.
- (b) No outside storage shall be allowed unless within a designated screened area.
- (c) All vehicles shall be parked in a designated stall on a paved surface area.
- (d) Security cameras shall be installed as required by the City Police Department.
- (e) Customer service hours shall be between 7:00am and 8:00pm.
- (f) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(11) Natural Resource Processing

- (a) Hours of operation shall be between 7:00am and 7:00pm Monday through Friday. Saturday operation hours shall be between 8:00am and 3:00 PM. There shall be no operations on Sundays or Holidays. Consideration for unique situations necessitating alternative hours could be requested with permission from the Zoning Administrator.
- (b) Restoration Plan shall be submitted with bond for assurance of completion, which shall be in a form and amount approved by the Zoning Administrator.

- (c) If located in a Well Recharge Area Overlay District, applicant to submit a plan to control and assure the clean infiltration of surface water.
- (d) Applicant shall submit a road cleaning plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (e) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(12) Recycling Collection Centers

- (a) Hours of operation shall be between 7:00am and 7:00pm.
- (b) Sites adjacent to residential areas shall provide a minimum landscape screening buffer of a minimum of 100' along the common lot line to include berms, landscaping, and fencing.
- (c) Materials shall be removed a minimum of once per week from the site.
- (d) Applicant shall submit a litter-cleaning plan for the outside areas of site, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (e) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(13) Mini-Storage

- (a) All storage of items other than vehicles and RV's related items shall be stored indoors.
- (b) Buildings shall have a minimum setback of 50' from the front yard property line and 35' from the side yard property line.
- (c) Facilities shall be fenced and access through a locked gate.
- (d) There shall be a minimum of 40' of vehicle stacking distance from the road to the fence access point.
- (e) Security cameras shall be installed as required by the City Police Department.
- (f) Applicant shall submit an exterior storage plan to the City, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (g) Provide truck turning radius diagram.
- (h) Applicant to provide a minimum of 30' of distance between buildings.
- (i) All drives shall be paved with asphalt or concrete.
- (j) Applicant shall submit a landscaping plan that conforms to City ordinance, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (k) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(14) Storage Yards

- (a) Applicant shall submit a detailed site plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (b) Applicant shall submit a Fire and Emergency Plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (c) Applicant shall submit a hazardous material handling and control plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (d) All items shall be stored a minimum of 35' from the property line.
- (e) There shall be no stacking of items higher than 20' from grade elevation.
- (f) Property shall be fenced with a minimum 8' fence or provide a berming and landscaping plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (g) Applicant shall submit a road cleaning plan, which shall be subject to review and approval of the Zoning Administrator and the use is prohibited unless and until approval is granted.
- (h) Security cameras shall be installed as required by the City Police Department.
- (i) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.

(15) Tower / antenna of any Height (Not in public R-O-W) *(Repealed and Recreated Ordinance No. 20-0980, adopted 7/7/20)*

- (a) All towers or antennas shall meet and conform to all current standards listed in the Wisconsin State Statutes §66.0404 that regulate Mobile tower siting regulations. Towers and Antenna of any height shall also conform with all other applicable State, Federal and Local requirements.
- (b) Shall comply with all other Zoning, Fire, Building, Engineering, Utility and other Municipal Ordinances, and all applicable laws.
- (c) Limitations upon Authority. The City review and action in the matter shall be subject to the limitations imposed by Wisconsin Statutes Sections 66.0404(4) and 66.0414, as applicable. In the event the applicant believes the City has exceeded its authority in this regard, the applicant shall notify the Plan Commission in writing and the Plan Commission reserves the right to reconsider the matter, to ensure that applicable laws are followed.
- (d) Conditional use status shall not be granted to communication towers unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property, subject to the following. Except as provided in Subsection (f), below, if an applicant provides the City with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower,

the smaller area shall be used unless the City has and provides to the applicant substantial evidence that the engineering certification is flawed.

- (e) Aesthetic Requirements. All users of the City right-of-way shall comply with the following aesthetic standards:
- (a) In areas where facilities are currently nonexistent or underground, undergrounding is required.
 - (b) No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.
 - (c) Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
 - (d) Any party objecting to the requirements of this Subsection (e) shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law, in an appeal made pursuant to Section 17.810 of this Code.
 - (f) Setback. Any tower that is constructed on or adjacent to a parcel of land on or adjacent to which single-family residential use is permitted shall be setback from every lot line of a parcel for which single-family residential use is permitted by a distance that equals or exceeds the height of the tower.

Section 17.109 Permitted Use-Specific Standards *(Repealed and Recreated-Ordinance No. 19-O957 – adopted 6/18/19)*

- (1) Restaurant Business: Restaurant uses shall meet the following requirements:
- (a) Restaurants shall have a grease trap and sampling manhole unless exempted by the Oconomowoc Wastewater Treatment Manager.
 - (b) Restaurant exhaust systems are encouraged to discharge the building through venting on the building roof. Venting toward residential dwelling units shall be prohibited unless no other options are feasible.

- (2) Sexually Orientated Business: All sexually orientated businesses shall comply with Section 12.17 of the Municipal Code relating to regulations and licensing requirements.
- (3) Drive-Through: Uses having a drive-through shall meet all of the following requirements:
- a. Drive-through lanes and service windows shall be located to the side or rear of the buildings, shall not be located between the principal structure and a public street , and shall be at least sixty (60) feet from the closest point to any residentially zoned property.
 - b. The drive-through stacking shall be separated physically from the user's parking lot and shall have at least one dedicated lane that is:
 1. Financial Institutions 100 feet,
 2. Restaurants – 100 feet,
 3. Car Washes – 100 feet
 4. Other Uses – Stacking requirements will be determined on an individual basis by the Zoning Administrator.
 - c. Drive-through speakers shall not be audible from adjacent residentially used or zoned properties.
 - d. Drive-through canopies and other structures, where present, shall be constructed from the same material as the primary building and with a similar level of architectural quality and detailing.
- (4) Antenna on an Existing Structure: The Zoning Administrator may approve the location of antennas on existing structures provided that the antenna does not extend more than ten (10) feet above the highest point of the structure or is located inside a building and not visible when viewed from the exterior of the building.

Section 17.110 Accessory Uses and Structures

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses as determined by the Zoning Administrator. An accessory use is incidental and customarily subordinate to a principal use if it complies with the standards set forth in this Section.

- (1) Approval of Accessory Uses and Structures: All principal uses allowed in a Zoning District shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Section. All accessory uses shall be subject to the standards of this Section, as well as any use-specific standards applicable to the associated principal use.
- (2) General Standards for All Accessory Uses and Structures: All accessory uses and structures shall comply with the general standards of this Section.
- (a) All accessory uses and structures are subject to the dimensional requirements and development standards of the Zoning Ordinance unless stated otherwise.

- (b) Accessory uses shall comply with all standards of this Zoning Ordinance applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.
- (c) Same Lot: The accessory use or structure shall be conducted and/or located on the same lot (s) as the principal use.
- (d) Size. (*Amended Ordinance 17-O918, Adopted August 8, 2017*) Except in non-residential districts, the maximum footprint size of any accessory building shall not exceed 1,000 square feet. The combined square footage of detached garages, carports, utility sheds, and other detached accessory buildings shall not exceed 720 SF for lots with a lot width of 66' or less (measured at the required front building setback line) and shall not exceed 1,000 SF for lots with a lot width greater than 66' (measured at the required front building setback line). The maximum number of detached accessory buildings shall not exceed two per lot. The maximum height of residential accessory structures shall be 18'.
- (e) Timing: No accessory building shall be constructed until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building is also being used.
- (f) Number: (*Amended Ordinance No. 17-O918, Adopted August 8, 2017*) The number of accessory buildings on a residentially zoned property shall not exceed two structures. The number of accessory buildings on a non-residentially zoned lot is subject to the review and approval of the City Plan Commission.
- (g) Ownership: The principal use and the accessory use shall be under the same ownership, except for condominiums.
- (h) Utility Meter: The principal use and the accessory use shall utilize the same utility meter.

Section 17.111 Additional Standards for Specific Accessory Uses and Structures

The specific standards of this Section shall apply in addition to the General Standards for all Accessory Uses and Structures. In the event of conflict, the more restrictive standards in the opinion of the Zoning Administrator shall apply.

- (1) Home Occupation: A home occupation may be permitted as accessory to any principal dwelling unit subject to the following standards:
 - (a) Location: The home occupation shall be conducted in the home or an accessory building on the same lot by a resident of the primary dwelling.
 - (b) Size/Area: The business or service located within the dwelling or an associated accessory shall not exceed 50 percent of the combined floor area of the structures.
 - (c) Employees and Residency: The principal person(s) providing the business or service shall reside in the dwelling on the premises. There shall be no more than one (1) employee in addition to the resident(s) of the primary dwelling unit

and at least one (1) additional off-street parking space shall be provided for such employee.

- (d) Customers: Home occupations shall not serve more than one (1) client or customer at a time or no more than four (4) students at a time.
 - (e) The home occupation shall cause no change in the external appearance of the existing buildings and structures on the property.
 - (f) All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a home occupation. No vehicle larger than one (1) ton shall be kept on the premises.
 - (g) The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.
 - (h) Wholesale or retail sales of goods shall not occur on the premises.
 - (i) The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
 - (j) Prohibited Home Occupations: The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other type of instruction (if more than four (4) students are being instructed at one time); the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber or beauty shops having more than one (1) chair; welding shops; nursing homes; and other such transient lodging; or any other home occupation that, in the sole opinion of the Zoning Administrator, will have negative impacts on the neighborhood.
- (2) Outdoor Seating Areas Accessory to Food and Beverage Uses: Primary access to the area shall be from within the establishment. Outdoor seating areas accessory to food and beverage uses are permitted to operate from 7:00 am to 11:00 pm seven (7) days per week upon issuance of a permit.
- (3) Outdoor Display of Goods and Sales: Outdoor display and/or sales may be allowed as an accessory use for all commercial uses and shall be located on private property. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic or creates an unsafe condition. The display of goods shall meet all of the following requirements:
- (a) Vending Machines: Outdoor vending machines are prohibited.
 - (b) Outdoor display and/or sale shall require approval of the Zoning Administrator. All new development plans must show the location of such areas in accordance with this Section. Existing non-residential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this

Section are to be met. Approval may be subject to appropriate conditions by the Planning Department.

(c) Where Permitted:

1. Unless approved otherwise by the Zoning Administrator, all outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
 2. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-quarter of the length of the storefront, unless increased by the Zoning Administrator after taking into account aesthetic and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 25 percent of the aggregate store front of the overall shopping center.
 3. No goods shall be attached to a building's wall surface.
 4. The height of the outdoor display shall not exceed six (6) feet, unless an exception to this provision has been granted by the Zoning Administrator.
 5. The outdoor display area shall take place on an improved surface such as a private sidewalk or pavement.
 6. No outdoor displays shall be allowed in required landscape areas.
- (4) No pedestrian obstruction. At least five (5) feet along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- (5) Outdoor Storage in Non-Residential Districts: Outdoor storage may be allowed as an accessory use through the plan review process and subject to compliance with the following requirements:
- (a) Each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.
 - (b) Each outdoor storage area shall be screened from view from all property lines and adjacent right-of-ways by an opaque fence or wall that incorporates at least one (1) of the predominant materials and one (1) of the predominant colors used in the primary structure. The fence shall be of the appropriate height that all outdoor storage areas are effectively screened. Materials may not be stored higher than the height of the primary structure. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
 - (c) No materials may be stored in areas intended for vehicular or pedestrian circulation.
 - (d) Refuse Disposal Area: All developments providing a refuse disposal area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than seven (7) feet.

- (e) Outdoor Storage Areas: Outdoor storage areas shall be screened from abutting residential uses with a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet.

(6) Outdoor Storage in Residential Districts:

- (a) All materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or street yard and shall be stored a minimum of five (5) feet from any and all property lines: firewood, construction materials, and landscaping materials, equipment related to onsite construction.
- (b) Recreational equipment including, but not limited to, boats, snowmobiles, all-terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be stored or parked a minimum of five (5) feet from any and all property lines and shall not be located within any front yard or required street yard unless parked on a designated driveway parking space.

(7) Donation Drop-Off Boxes: Donation drop-off boxes are prohibited on all public and private property except under the following circumstances:

- (a) Donation drop-off boxes are allowed on property where the primary structure is used by a not for profit organization, as defined by the Wisconsin Statutes, and the box is used exclusively to support said organization.
- (b) The drop box must meet all required setbacks and placed in a buildable area in a side or rear yard and screened from view of any public right-of-way.
- (c) All donations must be fully enclosed in a donation drop-off box. Donations that are not fully enclosed in a donation drop-off box are considered a public nuisance and subject to removal by the City.

(8) Swimming Pool Standards:

- (a) Swimming pools shall be erected and constructed in rear or side yards only and only on a lot occupied by a principal building. No swimming pools shall be erected or constructed on an otherwise vacant lot.
- (b) All swimming pools shall be at least ten (10) feet from any lot line or building.
- (c) All pool filters (including pumps) shall be at least twenty (20) feet from any lot line or buildings on the adjacent property.
- (d) Non-seasonal pools shall meet the following enclosure requirements:
 1. All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

2. All outdoor, above-ground pools shall have an approved barrier consisting of a wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend not less than four (4) feet above the level of the ground immediately adjacent to the pool. Such a pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(9) Play Structures and Play Houses:

- (a) Seasonal play structures shall be exempt for the requirements set forth in this Section but shall comply with the accessory structure setback requirements of the applicable zoning district.
- (b) Play structures shall not exceed fifteen (15) feet in height.
- (c) A play house shall not have a footprint area exceeding 100 square feet or a height greater than ten (10) feet. Any play house exceeding these dimensions shall be considered an accessory structure and shall be subject to all ordinances governing accessory structures. Play houses with electric or plumbing are prohibited.
- (d) Play houses shall not be used as a yard maintenance building. No more than one (1) play house shall be allowed on any residential property.
- (e) Play structures and play houses shall not be located in front/street yard setbacks.
- (f) Play houses and play structures shall comply with the accessory structure setback requirements of the applicable zoning district.

Section 17.112 Temporary Uses and Structures

This Zoning Ordinance allows for the establishment of certain temporary uses for limited duration, provided that such uses comply with the general and specific standards of this Section. The following temporary uses are allowed:

- (1) A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is allowed on the lot, parcel or tract only while the primary residence is undergoing new construction or repair. A temporary dwelling unit may also include a residence located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. The temporary residence shall be removed from the lot, parcel, or tract upon completion of such construction.
- (2) Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations in any district for a period not to exceed the number of days specified in the temporary use permit. Display of products need not comply with the setback requirements of this Zoning

Ordinance provided that no display shall be located within a right-of-way or restrict the vision clearance requirements.

- (3) Temporary office space and equipment storage when accessory to an approved construction project, including sales offices on residential development sites. Such uses shall be located on the site no more than 30-days prior to the start of construction and removed no more than 30-days after completion of such project, or in the case of sales offices on residential development sites, removed when all houses or units are sold or leased.
- (4) Yard Sales: A yard sale shall not exceed four (4) days in duration, and no more than one (1) sale shall be held in any two (2) month period. Yard sales are not required to obtain a temporary use permit.
- (5) The use of portable storage structures in residential districts are allowed without permit under the following conditions
 - (a) There shall be no more than one (1) portable storage structure per property.
 - (b) The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
 - (c) A portable storage structure shall not remain at a property in excess of sixty (60) days.
 - (d) The portable storage structure shall be setback a minimum of five (5) feet from all property lines.
 - (e) The portable storage structure shall be setback a minimum of five (5) feet from the nearest wall of a building.
 - (f) The portable storage structure shall be placed on a paved surface.
 - (g) Portable storage structures associated with a site where a building permit has been issued, are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.
- (6) Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrived at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include, but are not limited to, the following:
 - (a) Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and applications for the permanent alteration/expansion of these facilities.
 - (b) Temporary classroom space for existing schools.
 - (c) Temporary office space for construction and security personnel during the construction of an approved development for which building permits have been issued.
 - (d) Temporary space for recreational uses provided in connection with an approved residential development under construction.

- (e) Temporary office space (one per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.

Section 17.113 General Requirements for All Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Zoning Ordinance:

- (1) The temporary use or structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- (2) Permanent alterations to the site related to the temporary use or structure are prohibited unless completed in conjunction with Section 17.113(1).
- (3) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected natural resources, including required buffers, 100-year floodplains, and required landscaping.
- (4) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on an existing buffer, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- (5) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Inspector, and Fire Inspector.
- (6) Off-street parking shall accommodate the proposed temporary use as determined by the Zoning Administrator.

Section 17.114 Shoreland Regulations.

(Amended Ordinance No. 14-O857 – adopted 6/17/14) In addition to any other applicable use, sanitary site or restrictions and regulations, the following regulations shall apply to all shorelands as defined in Section 17.904 of this ordinance.

- (1) Tree Cutting and Shrubbery Clearing. Tree cutting and shrubbery clearing within 100 feet of the ordinary high water mark of all navigable waters is prohibited except for home site development (house pad, patio, retaining wall, deck, and similar areas); park site development; access roads; path and trail construction; timber stand improvement; customary trimming; dead tree removal; and managed timber harvesting under a State District Forester's Plan. Such tree cutting and shrubbery clearing shall not involve the clear cutting of more than 30 feet in any 100 feet, as measured along the ordinary high water mark, and shall be so regulated as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage substantially screen any development from stream or lake users. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of shoreland cover and the minimum impairment of natural beauty.
- (2) Earth Movements, such as construction, altering, or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning,

grading, topsoil removal, filling, road cutting, ditching, and soil and water conservation structures require Department of Public Works approval in addition to any permit required from the state agency having jurisdiction under Sections 30.11, 30.12, 30.19, 30.195, and 30.20 of the Wisconsin Statutes.

- (3) Annexed Shorelands. A shoreland that was annexed by the City after May 7, 1982, and prior to annexation was subject to a county shoreland zoning ordinance shall be subject to the following additional provisions:
- (a) Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high water mark of the navigable water, except as provided in (b).
 - (b) If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation as described herein within the vegetative buffer zone, the owner shall re-establish vegetation within the vegetative buffer zone.
 - (c) A person who is required to maintain or establish a vegetative buffer zone under (a) or (b) shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high water mark. For the purpose of this section, vegetative buffer zone is defined as land that extends from the ordinary high water mark to 35 feet inland.
- (4) Shoreland Setback. Areas within shorelands as defined by this ordinance shall be subject to the following:
- (a) Within the shoreland area, no structure, except navigational aids, piers and boat launching facilities, shall be closer than 75 feet to the ordinary high water mark of a navigable body of water unless the property is located in the IRS, IRM or MC zoning districts, in which case the structure setback is reduced to 45 feet as defined in the zoning bulk requirements charts found in Sections 17.202 and 17.205 of this ordinance. A shoreland that was annexed by the City after May 7, 1982, and prior to annexation was subject to a county shoreland zoning ordinance shall be subject to the following additional provisions:
 1. A shoreland setback area of at least 50 feet from the ordinary high water mark, except as provided in 2.
 2. Construction or placement of a principal building within the shoreland setback area established under 1. shall be allowed if all of the following apply:
 - a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 45 feet from the ordinary high water mark, whichever distance is greater.

- (b) Definitions. Structures shall include buildings, ice fishing shanties, accessory structures other than boathouses, and retaining walls that exceed 30" in height. Principal building means the main building or structure on a single lot or parcel of land and includes and includes attached garage or attached porch.
- (5) Shoreland regulations do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

Section 17.115 Municipal Well Recharge Area (MW) Overlay Zoning District

The City recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the City's municipal wells. The restrictions imposed herein are in addition to those of the underlying zoning districts or any other provisions of the zoning Chapter.

- (1) MW Overlay Zones: The Municipal Well Recharge Area Overlay District is indicated by MW on the Well Recharge Area Map. The MW zone is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Each required municipal well shall have a MW zone defined by a Wellhead Protection Plan (WHPP). The MW zone to be protected shall encompass the recharge area equivalent to a five (5) year time of travel or 1,200 feet at a minimum.
- (2) Map: The locations and boundaries of the Recharge Area Overlay Zoning District established by this Chapter are set forth on the adopted Well Recharge Area Map.
- (3) MW Land Use Regulations: The following land use regulations are in addition to the land use regulations established by the basic Zoning District(s) provided by the remainder of this Chapter:
- (4) Separation Distance Requirements: Potential sources of contamination shall be physically separated from municipal wells subject to the MW Recharge Overlay Districts. The separation distances as specified in Chapter NR section 811 of the Wisconsin Administrative Code shall be maintained.
- (5) Existing Uses – Separation Distance Requirements:
 - (a) Existing uses shall provide copies of all current, revised or new federal, state, and locally facility operation approvals, permits, or certificates; operational safety plans; and on-going environmental monitoring results to the City Utility.
 - (b) Existing uses shall devise, maintain and keep current a contingency plan detailing how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county, and state officials. The contingency plan shall be filed with the Utility.
 - (c) Existing uses shall be treated as nonconforming uses subject to the restrictions on such uses set forth in this Ordinance and Wisconsin Statutes.

- (d) Existing uses shall not engage in or employ a use or activity prohibited within its area of the applicable Overlay District which they did not engage in or employ at the time they became an existing use.

(6) Additional Land Use Regulations for the MW Overlay District

- (a) All storage water shall be retained on site.
- (b) All above ground petroleum product storage tanks shall provide leak proof containment equal to 125% of the tank volume.
- (c) Bulk liquid pesticide, insecticide, fungicide, or fertilizer storage in excess of 55 gallons is prohibited except in containment areas not less than 125% of the volume of the largest container.

SUBCHAPTER 17-2: Performance Standards

Section 17.200 Intensity and Bulk Requirements

All primary and accessory structures are subject to the dimensional, bulk and performance standards set forth within this Section. These general standards may be further limited or modified by other applicable sections of this Zoning Ordinance.

Section 17.201 Measurements and Exceptions

(1) Density:

- (a) Residential Densities: The City regulates residential development primarily by density rather than minimum lot size. Density is calculated based on gross acres. Within the density limits of each residential district, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with flexibility.
- (b) Dwelling Units Allowed: The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Zoning Ordinance shall be met. The maximum density established for a Zoning District is not a guarantee that such densities may be obtained, nor valid justification for varying or modifying other dimensional or development standards.

(2) Setbacks:

- (a) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements for the Zoning District in which it is located, except as otherwise established in this Zoning Ordinance or unless a variance, special exception, or other modification has been granted. Setbacks shall be measured from the property line.
- (b) Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30-inches above grade upward; provided, however, that fences, non-structural walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

(3) Projections into Required Setbacks, General – The following structures may project into required front, side, or rear setbacks as specified in this Section:

- (a) Paved Terraces: Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Zoning Ordinance and are at least five (5) feet from the lot line.
- (b) Unroofed Landings, Decks, Stairs and Balconies: Unroofed landing, decks, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than 30-inches above the finished grade level. Unroofed landings, decks, and stairs greater than 30-inches may project into the required side or rear yard provided these projections are at least five (5) feet from the property line. Unroofed balconies may project into a required side or rear yard provided these projections are at least five (5) feet from the property line.

- (c) Incidental Architectural Features: Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, headers, sills, pilasters, lintels, ornamental features and other similar architectural features may project into a required setback provided these projections are at least three (3) feet from the property line.
 - (d) Roofs Over Porches and Other Exterior Approaches: Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five (5) feet into a front setback. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.
 - (e) Projections Into Easements and Right of Ways Prohibited: Projections shall not extend or encroach into any public or private easements or right(s)-of-way unless approved by the Zoning Administrator and the holder of the easement.
 - (f) Handicap Ramps: Handicap access ramps may be located within required front, side, and rear setbacks.
 - (g) Flagpoles: Flagpoles are permitted intrusions into all required yards. The minimum setback shall be a distance from the property line equal to one-half of the height of the pole.
 - (h) Solar Equipment: Solar equipment may be located within required front, side, and rear setbacks, and shall not be located closer than five (5) feet to any property line.
 - (i) Charging Stations: Electric vehicle charging stations may be located within required front or side setbacks, and shall not be located closer than five (5) feet to any property line.
- (4) Projections into Required Shoreland Setbacks: The following may project into required shoreland setbacks as specified by this Section provided the intrusion is constructed and maintained in a manner that avoids or minimizes adverse impacts to the shoreline:
- (a) Pedestrian walkways, provided the amount of impervious surface is the minimum reasonably necessary to provide access to the shoreline.
 - (b) Facilities for public access to the water and public water-enjoyment recreational uses.
 - (c) Utilities which are located underground and are accessory to shoreline use.
 - (d) Bio-retention swales, rain gardens, and other similar bio-retention systems that allow filtration of water through vegetation.
 - (e) Uncovered decks and patios provided:
 - A. No part of the structure exceeds 30-inches above the existing grade, and protrudes more than fifteen (15) feet into the required shoreland setback.
 - B. Materials used for construction are pervious, or allow water to easily pass through to the ground (e.g. wood decking with gaps between the board and pervious ground surface below).

- C. Total surface area of all decks, patios, and similar improvements inside of the setback area does not exceed 300 square feet.
- (f) Outdoor fire pits, picnic tables, benches and similar recreational features.
- (5) Setback Averaging, Front Setback: Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet. Setback averaging shall not apply for properties zoned Mixed-Use Commercial. For the purpose of calculating the average setback:
- (a) If the setback of an existing structure is greater than the required setback, the required setback shall be used.
 - (b) Setback averaging applies only to front yard setbacks; side yards on corner lots shall not be included.
 - (c) Projections into setbacks shall not be included in averaging.
 - (d) Setback reductions approved by variance or special exception shall not be included.
 - (e) If a block face is at least seventy-five (75%) built, a vacant lot on the block face shall not be included.
- (6) Double-Frontage Lots: In the case of double-frontage lots, front yard setbacks shall be provided on all street frontages. Accessory structure construction is permitted on the non-driveway street frontage provided front/street yard setbacks are met.
- (7) Building Height:
- (a) Height Requirements: No building shall be erected or altered that will exceed the height limit for the respective Zoning District.
 - (b) Height Exceptions for Appurtenances: The height limitations contained in this Zoning Code do not apply to cupolas, flagpoles, spires, church belfries, chimneys, solar energy equipment, antennas, heating and ventilation equipment, stairwell towers or similar appurtenances, provided, however, the following:
 - 1. The appurtenance does not interfere with Federal Aviation Regulations;
 - 2. The appurtenance does not extend more than ten (10) feet above the maximum permitted building height, except for church belfries, and antennas that must be of greater height in order to function but shall not exceed 90 feet unless a conditional use permit is granted.
 - 3. Flagpoles: No flagpole shall exceed a height of 25 feet on all residentially zoned parcels and 40 feet on all non-residentially zoned parcels.
 - 4. The appurtenance is not constructed for the purpose of providing additional floor area to the building;
 - 5. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances;
 - 6. The appurtenance is functional.

Section 17.202 Residential Intensity and Bulk Requirements

Lot	RR	SR	TR	RML	RMH	IRS	IRM
Density (maximum dwelling units per acre)	1.0	3.0	6.0	8.0	12.0	5.0	10.0
Width (min ft.)	150'	70'	50'	90'	100'	50'	100'
Yards							
Principal Structure / Attached Garage (min ft)							
Front / Street	30'	25' *	20'	20'	20'	20'	20'
Side	15'	10' *	7'	10'	10'	7'	10'
Rear	50'	20'	20'	20'	20'	---	---
Shoreland	75'	75'	75'	75'	75'	45'	45'
Accessory Structure (min ft)							
Front	Not Permitted in front yard						
Side	10'	3'	3'	3'	3'	3'	3'
Rear	20'	5'	5'	5'	5'	---	---
Shoreland	75'	75'	75'	75'	75'	45'	45'
Height							
Principal Structure (max ft)	35'	35'	35'	35'	45'	35'	35'
Accessory Structure (max ft)	25'	18 ^{**}					
Paved Surface Setback (min ft)							
Side	3'	3'	3'	3'	3'	3'	3'
Rear	5'	5'	5'	5'	5'	5'	5'

* A blanket approval is hereby granted to all structures zoned Suburban Residential District (SR) either existing or have an approved preliminary or final plat prior to the effective date of Ordinance No. 16-O900 that have a front yard setback for the principal structure / attached garage of less than 25' or a side yard off-set less than 10'. These structures shall be classified as legal and conforming in respect to the minimum front yard setback and side yard off-set required within the City. (*Ordinance No. 16-O900 – Approved and Adopted November 1, 2016*).

** Accessory Building height increased in residential districts from 15' to 18' (*Ordinance No. 17-O918, Approved and Adopted August 8, 2017*).

Section 17.203 Residential Design Standards

The following standards apply to all new development in the residential districts.

- (1) **Main Entrances:** Main Entrances must be prominent and oriented to the street in front of the dwelling.
- (2) **Attached Garages:** One (1) attached garage is permitted provided it meets one of the following requirements:

- (a) One (1) attached garage with street-side garage wall not exceeding 50% of the width of the principal structure provided:
1. The garage meets the minimum yard setback requirement of the principal structure.
 2. The garage area does not exceed 1,000 square feet or the total ground floor area of the dwelling unit.
 3. The street side garage wall does not extend more than twelve (12) feet in front of the street-side façade of the dwelling unit.
 4. Side-loaded garages are not required to meet the above standards but shall conform to the required district setbacks and not exceed 1,000 square feet. The street-side garage wall shall contain a minimum of two (2) windows that have a similar architectural style as the dwelling's windows.
- (b) One (1) attached garage with street-side garage wall exceeding 50% of the width of a principal structure but not exceeding 65% of the width of the principal structure provided:
1. The garage meets the minimum yard setback requirements of the principal structure.
 2. The garage area does not exceed 1,000 square feet or the total ground floor area of the dwelling unit.
 3. The street side garage wall does not extend more than six (6) feet in front of the street-side wall of the dwelling unit.
 4. The principal structure includes a second story street-side wall that is at least the width of the longest ground floor street-side wall of the dwelling unit and includes street facing windows and/or balcony higher than the garage.
 5. The dwelling unit includes a street-side covered porch of not less than 48 square feet and extending at least as close to the street as the street-side wall of the garage.
 6. Side-loaded garages are not required to meet the above standards but shall conform to the required district setbacks and not exceed 1,000 square feet. The street-side garage wall shall contain a minimum of two (2) windows that have a similar architectural style as the dwelling's windows.
- (c) (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) One (1) attached garage with street-side garage wall exceeding 65% of the width of a principal structure but not exceeding 70% of the width of the principal structure provided:
1. The garage meets the minimum yard setback requirements of the principal structure.
 2. The garage area does not exceed 1,000 square feet or the total ground floor area of the dwelling unit.
 3. The street-side garage entrance on corner lots or through lots may face a street other than that of the main entrance to the dwelling unit, if not see below.

4. If both the garage and the entrance of the dwelling unit face the same street or corner lots, then:
 - a. The street side garage wall shall not extend in front of the longest street-side wall of the dwelling unit.
 - b. The principal structure shall include a second story street-side wall that is at least the width of the longest ground floor street-side wall of the dwelling unit.
 - c. The street facing garage side wall shall have street facing windows.
- (3) Conversions from Single-Family Homes to Duplexes: When a single-family house is to be used as a dwelling for two-families, any staircases that are added outside of the exterior of the existing structure shall only be added on the rear façade, not on façades visible from the street.

Section 17.204 Isthmus Design Standards

The following standards apply to all properties zoned IRM and IRS. All development, façade and building changes shall reflect building scale, design, configuration, details, exterior material, and colors which:

- (1) Reflect the practices common in the period between 1870 and 1930.
- (2) Complement other instances of similar development in the Isthmus districts which are consistent with the historic theme.
- (3) Modern forms of development which do not conform to the above two (2) standards shall not be permitted even if they reflect other examples of development which do not conform to these standards which are already present in the Isthmus districts. Where necessary, the Zoning Administrator or Architectural Commission may seek the opinion of experts to determine the degree to which proposed development reflects the above two (2) standards.
- (4) *(Per Ordinance 17-0919 – Adopted August 8, 2017)* Detached accessory buildings within the IRM and IRS zoning districts are not subject to the standards set forth within the other residential districts of the City. Due to the history of the dwellings in this area, the site layout and the existing architectural design for properties with Isthmus zoning are to be provided zoning flexibility. Special zoning ordinance exemptions may be granted for these structures, such as, but not limited to, setback and off-set requirements, square footage area, building height, hard surface setback, lighting and landscaping.
- (5) *(Per Ordinance No. 17-0919 – Adopted August 8, 2017)* All proposed accessory buildings located within the IRM and IRS zoning shall be reviewed and approved by the Architectural Commission. Accessory buildings in the Isthmus districts that do not comply with the standard requirements as set forth in the Zoning Ordinance shall also be reviewed by the Plan Commission as a major design review.

Section 17.205 Non-Residential Intensity and Bulk Requirements

Lot	GC	MC	BP	I	UR	IP
Density (maximum dwelling units per acre)					0.1	8.0
Width (min ft.)	100'	25'	100'	100'	100'	100'
Maximum Lot Coverage	75%	100%	75%	90%	30%	60%
Yards						
Principal Structure / Attached Garage (min ft)						
Front / Street	15'	0'	15'	15'	30'	20'
Side	20'	0'	20'	20'	15'	20'
Rear	20'	0'	20'	20'	50'	20'
Shoreland	75'	45'	75'	75'	75'	75'
Accessory Structure (min ft)						
Front	Not Permitted in front yard					
Side	6'	0'	6'	6'	20'	3'
Rear	10'	5'	10'	10'	20'	5'
Shoreland	75'	45'	75'	75'	75'	75'
Height						
Principal Structure (max ft)	50'	70'	50'	50'	35'	50'
Accessory Structure (max ft)	15'	15'	15'	15'	25'	15'
Paved Surface Setback (min ft)						
Side	3	0	3	3	3	3
Rear	5	0	5	5	5	5

Section 17.206 Design Standards for all Non-Residential Districts

- (1) **Screening of Site Elements:** The following site elements shall be screened to be compatible with the design elements, materials, and colors used elsewhere on the site as follows:
 - (a) **Loading Areas:** Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by landscaping, a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than seven (7) feet.
 - (b) **Mechanical Equipment:** All rooftop and ground level mechanical equipment, with the exception of solar equipment, shall be fully screened from view from any street or residential district as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator. Screens shall be of durable, permanent materials that are compatible with the primary building materials. Screening for rooftop mechanical equipment shall incorporate similar architectural features of

the building and/or constructed of a material and color compatible with other elements of the building. Exterior mechanical equipment, such as ductwork, shall not be located on primary building facades, unless approved by the City.

Section 17.207 Commercial and Mixed-Use Design Standards

This section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the City, foster a more pedestrian scale and attractive street fronts, project a positive image to encourage economic development in the City, and protect property values of both the subject property and surrounding areas. Development of any structure that will contain a commercial use shall comply with the general standards of this Section.

(1) **Sitting:** The sitting of the building shall:

- (a) Reflect, rather than obscure natural topography.
- (b) Enable significant or important trees to be preserved as determined by the City Planner.
- (c) Be compatible with the original structure, when the structure is an addition to an existing structure.

(2) **Building Orientation:** Local climatic conditions shall be considered when orienting buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment. Snow piling zones along street shall be considered in arranging building elements on the site. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

(3) **Street Corners:** Buildings located on street corners shall recognize the importance of their location by:

- (a) Concentrating tallest portions of the building at the intersection where they may “frame” the corner;
- (b) Employing architectural features, such as angled façades, prominent entrances, a stepped parapet wall, or other unique building features at the corner; or
- (c) Employing a similar technique as approved by the Zoning Administrator.

(4) **Pedestrian Environment:**

- (a) Site design shall locate pedestrian routes connecting residential, recreational, and commercial uses to minimize contact with normal vehicular traffic. This can be achieved by designing crossings at traffic stop points, and/or by announcing crossings with signage, pavement changes, and landscape features.
- (b) Pedestrian use can be increased by the addition of amenities such as benches, drinking fountains, planters, trash receptacles, path lighting, and bicycle racks.
- (c) When existing sidewalks, curbs, gutters, or other public improvements have deteriorated, the development shall be required to replace and/or repair the public amenities.
- (d) When sidewalks exist or are proposed, new development should be sited and designed to encourage pedestrian activity.

- (5) **Building Massing and Form:** Unless otherwise provided in this Zoning Ordinance, building form may vary widely, as long as certain features of building form are considered:
- (a) Within the development, variability in size and shape of buildings shall occur.
 - (b) Incorporating pedestrian-scale features at the ground level will help encourage pedestrian use. Examples include articulated entries and window canopies, arcades, recessed entries, changes in color, material, or texture.
 - (c) Façade modulation shall be utilized to reduce the apparent bulk of a large building, where applicable.
 - (d) Large, unbroken expanses and long, continuous rooflines shall be avoided.
- (6) **Building Materials:**
- (a) A wide range of exterior building materials is acceptable, including but not limited to wood, brick and stone. Materials appearing to derive from local natural settings are encouraged.
 - (b) Metal-sided buildings are prohibited, except concealed fasteners, pre-finished metal, and architectural metal panels. Metal roofing is acceptable. Metal wainscot treatments not exceeding four (4) feet in height are acceptable.
- (7) **Architectural Style:** The architectural character of new buildings or additions shall complement the architectural character of adjacent existing buildings.
- (8) **Four-Sided Design:** All building façades shall be designed with a similar level of design detail. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted in those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development, public rights-of-way, trails, lakes, etc.
- (9) **Entrance Visibility:** Entrances shall be clearly delineated and visible from the street.
- (a) Buildings should be designed with delineated and unobstructed entries accessible from adjacent streets, as opposed to entries accessible only from parking lots.
 - (b) When entries cannot be located adjacent to the street, delineated and unobstructed pathways using building and landscape elements should enhance building entries.

Section 17.208 Downtown Design Overlay District (Ord. No. 17-0929)

(Adopted January 16, 2018) The Downtown Design Overlay District is created to foster excellence in the design of the built environment in the Downtown. Architectural design of projects within the District should fit comfortably within the existing fabric of the City and stand the test of time by remaining functional and ageless over a period of many years. Design standards shall address the quality of architecture, urban design, and public space to ensure the success of the project and for the benefit of the community. The main value and purpose of the Downtown Design Overlay District is to provide clarity and focus on the design of Downtown projects, consistent with the purposes stated herein. New development should be sympathetic to Oconomowoc's Downtown Design purposes and goals. Although a development may be larger or taller than that seen historically or incorporate contemporary design elements and materials, it should also reflect the design context, appropriate massing and traditions of its character of the blocks and streets on which it is located.

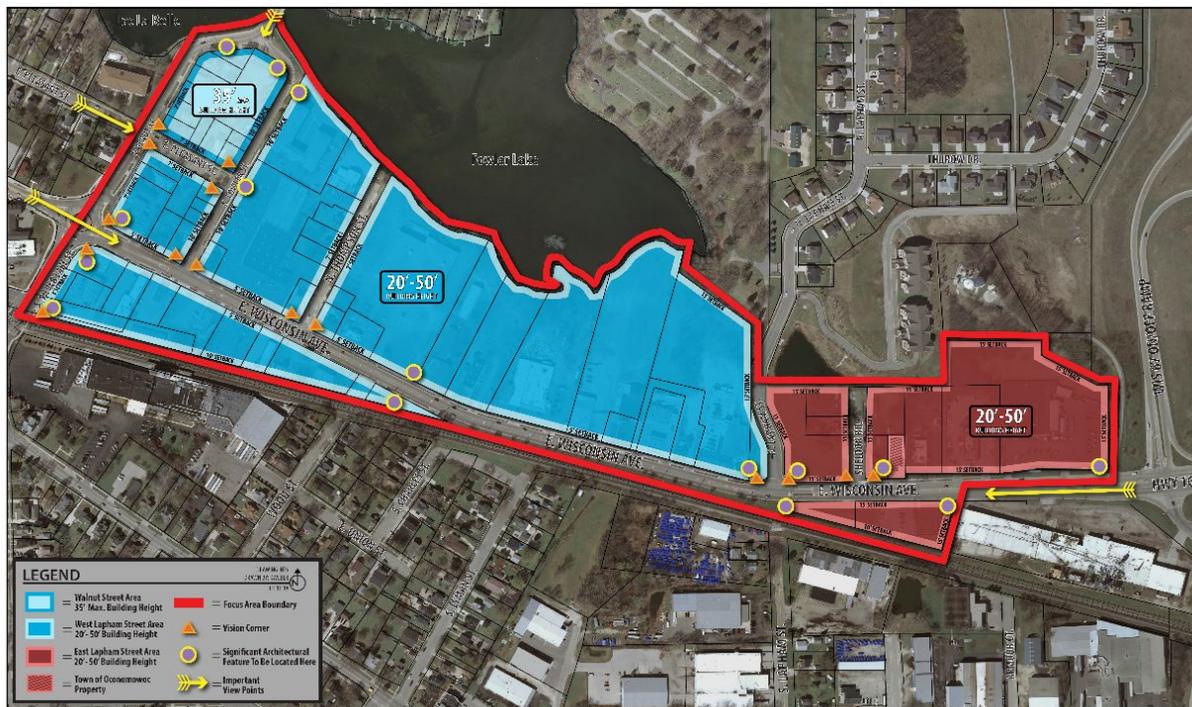
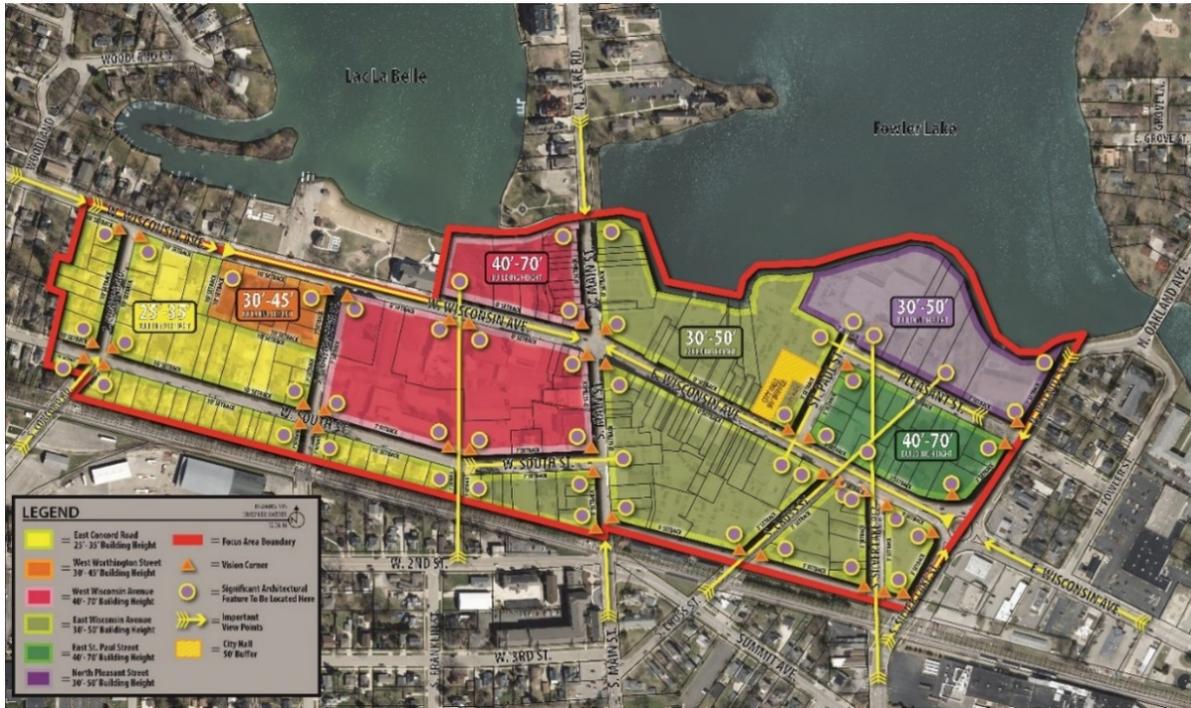
The purposes and goals of the Downtown Design Overlay District are intended to provide context and guidance for the Architectural Commission in their consideration of discussing and recommending conditions to ensure an attractive, vibrant and sustainable downtown area on a project-by-project basis.

17.208 (2) Application of the Downtown Design Standards:

The Downtown Design Overlay District has been further subdivided into nine (9) separate areas as depicted on the two different Downtown Design Overlay District Maps:

- East St. Paul Street Area
- North Pleasant Street Area
- East Wisconsin Avenue Area
- West Wisconsin Avenue Area
- West Worthington Street Area
- East Concord Road Area
- Walnut Street Area
- West Lapham Street Area
- East Lapham Street Area

DOWNTOWN DESIGN OVERLAY MAPS West Wisconsin Avenue & East Wisconsin Avenue



When considering a new construction project within the Downtown Design Overlay District, property owners, developers and architects shall refer to the Design Standards as drafted within this ordinance, the specific criteria listed in the Downtown Design Overlay District Map, all other applicable design standards within the City Zoning

Ordinance and Architectural Building Review Process. Change of property use, change of property ownership, façade amendments, remodeling, minor additions (less than 5000 SF) and general maintenance of the existing buildings are projects not applicable to these standards. These regulations are intended to preserve and enhance the unique character and identity of Downtown Oconomowoc and ensure that future infill and redevelopment is consistent with City Plans. A high-quality appearance will be achieved through requirements for context-sensitive site layouts, architectural detailing, contextual massing, façade articulation, and other features designed to provide a more distinct character and pedestrian scale. Development of any applicable structure that is located within the Downtown Design Overlay District shall comply with the standards of this Section.

Projects will be reviewed by the Architectural Commission, whose members shall approve or deny the proposed design in relation to the established Design Standards. Such review is mandatory as part of the City's normal architectural review process and compliance with the Architectural Commission's findings is also mandatory.

17.208 (3) General Site Design Standards:

- (a) Urban Pattern & Form – All new construction and / or additions, must preserve the historic integrity of the Downtown area by complementing other instances of similar development which are consistent with the historic theme.
- (b) Ground Floor Uses – The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building or nearby. This configuration of uses is particularly encouraged along Wisconsin Avenue and Main Street, where a high level of activity and visibility is desirable.
- (c) Curb Cut Openings – Along Wisconsin Avenue or Main Street, no new net gain in curb cuts are allowed for any new development. The City will allow existing curb cuts to be closed, relocated or reconfigured.
- (d) Open Space – Each development shall include a minimum of 10% of public or private open space on the property. Open space can include public and private courtyards, plazas, patios, terraces, alleys, community gardens, rain gardens, green roofs and bio-swales. Open spaces should have an urban quality and character that enliven the street and enhance the pedestrian experience. Private property open space should be sized relative to the intended use and level of anticipated adjacent pedestrian activity. Open spaces shall be designed to maximize activity and usability for a diverse population of different abilities.
- (e) Parking – All new residential shall be required to install a minimum of (1) on-site parking stall for each (1) bedroom or efficiency units and (2) on-site parking stalls for each (2) bedroom or greater units. Guest parking shall be an additional 0.25 stall per residential unit. Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage. Design standards for properties and development located on Fowler Lake and Lac La Belle will be reviewed by the Plan Commission and Architectural Commission on a case-by-case basis.

- (f) Pedestrian Connections – Pedestrian connections include sidewalks, alleys and arcades that provide pedestrian access within, through and among properties. Such connections provide access to buildings, courtyards, plazas and other site elements, and all projects should consider such connections.
- (g) Primary Entrances – Primary entrances shall be orientated to the primary street frontage.

17.208 (4) General Building Design Standards:

- (a) Four-Sided Architecture – All new construction shall have four-sided architecture. If the proposed building has common walls with adjacent buildings, only the exposed building walls are required to contain four-sided architecture. This is defined as having the same level of detail and materials used on all four sides of the buildings. In unique circumstances, the City’s Architectural Commission may waive the requirement if the site allows for less detail on one or more sides of the building.
- (b) Building Massing & Articulation – The perceived mass and scale of downtown development shall be reduced at the ground level to achieve a pedestrian scale. This shall be accomplished by incorporating a series of human scale design elements that are consistent with the development’s architectural character. Appropriate design elements for every development shall incorporate, but are not limited to, at least four (4) of the following:
 - 1. Variations in roof form and parapet heights;
 - 2. Pronounced recesses and projections;
 - 3. Wall plane off-sets;
 - 4. Off-sets to accommodate outdoor gathering spaces;
 - 5. Distinct changes in texture and color of wall surfaces;
 - 6. Ground-level arcades and second or third floor galleries / balconies;
 - 7. Protected and recessed entries; and
 - 8. Vertical accents or focal points.
- (c) Building Setback – There shall be a 0’ lot line setback unless noted.
- (d) Building Stepback – Step taller buildings away from adjacent lower-scale buildings. All buildings taller than 30’ shall incorporate a stepback of a minimum of 5’ at the 30’ or lower building height level. Buildings with an overall height of 50’ or greater shall incorporate a minimum of one 5’ stepback in the first 30’ and a second 10’ stepback thereafter.
- (e) Transparency – A high level of ground floor transparency is encouraged throughout the Downtown. Dark, frosted or tinted glass in ground floor windows facing the street or an open space are prohibited, unless specific proposed uses justify inclusion of these features. Unless waived by the Architectural Commission, a minimum percentage of the total area of each ground-floor shall consist of transparency areas.
- (f) Street Edge – Unique building elements and architectural details used at the street level are encouraged so as to create a direct impact on the quality of the pedestrian experience resulting in an active and interesting street front.
- (g) Vision Corners – Vision corners shall be preserved at all street intersections. No buildings or significant structures are allowed with the triangle space of 15’ x 15’, measured along the property lines of the two street frontages.

- (h) Entries – Entries shall be located to enhance the street level experience and help give a sense of human scale. Entries shall be clearly defined, accessible, and located to express visual interest along a street front.
- (i) Windows – Buildings should be designed to incorporate ground floor storefront windows wherever possible. Windows shall be taller than they are wide.
- (j) Canopies / Awnings – First floor canopies shall be designed as integral elements of the building façade. Material, configuration, dimension, and location of awnings shall be appropriate for the building. A canopy may extend up to 12' beyond the building to which it is affixed; however, is shall not extend closer than 1' to the vertical plane formed by the curb line. Canopies may extend into the public right-of-way and shall have a minimum clearance height of 8' from the pavement or sidewalk grade.
- (k) Materials – Primary building materials shall be durable and project an image of permanence typical of the Downtown traditional masonry storefronts. Appropriate materials include, but are not limited to:
- Brick, stone, or other masonry products;
 - Steel (may be used for accents only);
 - Cast Concrete;
 - Split face concrete masonry (not to exceed 40% of the exterior wall area);
 - Composite siding; or
 - Comparable material approved by the Architectural Commission.
 - No veneer man-made stone, or vinyl materials will be allowed.
 - No metal siding as the dominant form of building material.
- (l) Mechanicals / Operational Systems – These elements must be screened with architectural screening materials or incorporate into the overall building design
- (m) Sustainability – Design should encourage use of energy saving materials and construction practices, provide for sustainability when selecting structural and façade materials and designing functional building elements and incorporate building elements that allow for natural environmental control such as, operable windows for natural ventilation, wind locks at high volume entries, rain gardens, roof top gardens, sun shading and interior solar screens above south facing windows. Developers are also encouraged to utilize high efficiency lighting, appliances, and fixtures as well as selecting low-emitting materials.
- (n) Garbage / Dumpsters / Enclosures – The development is responsible for its own garbage / recycling. It is strongly encouraged to have garbage / recycling located in underground parking areas. If the dumpsters are stored on the exterior of the building, enclosures are required and shall be made of the same architectural materials as the main building and be appropriately incorporated into the overall site design.
- (o) Architectural Significant Feature – Buildings shall contain architectural significant features at specific areas as shown on the Overlay Map. These features are defined as an eye-catching focal point element, unique to the building design. They are located in dominate view sheds and enhance the appearance of the building close-up and from afar. Examples include significant differences in design, massing, building heights, materials, roof pitches or other similar qualities. The elements are subject to the Architectural Commission approval.

17.208(5) East St. Paul Street Area:

- (a) Building Height – 70' maximum building height, 40' minimum building height.
- (b) Building Setbacks – Minimum 3' building setback from property line along Wisconsin Avenue, and St. Paul Street. Minimum 7' building setback from property line along Walnut Street and Pleasant Street. A 45' building setback from Fowler Lake.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.
- (d) Orientation – Buildings adjacent to roundabout shall be orientated toward roundabout.

17.208(6) North Pleasant Street Area:

- (a) Building Height – 50' maximum building height, 30' minimum building height.
- (b) Building Setbacks – Minimum 7' building setback from the property line along Walnut Street and Pleasant Street. A 45' building setback from Fowler Lake.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.

17.208(7) East Wisconsin Avenue Area:

- (a) City Hall Buffer – For a distance of 50' from the footprint of City Hall building, there shall be no buildings that exceed 40' in height.
- (b) Building Height – 50' maximum building height, 30' minimum building height.
- (c) Building Setbacks – Minimum 0' building setback from property line along Wisconsin Avenue and Main Street. Minimum 3' setback from property lines along Silver Lake Street and Silver Lake Plaza. Minimum 5' building setback from property line along Collins Street, Cross Street and St. Paul Street, and a minimum 7' building setback from property line along W. South Street.
- (d) Windows / Transparency – A minimum of 75% ground floor glass transparency.
- (e) Orientation – Developments abutting Fowler Lake shall have street front and lake front elevations.

17.208(8) West Wisconsin Avenue Area:

- (a) Building Height – 70' maximum building height, 40' minimum building height.
- (b) Building Setbacks – Minimum 0' building setback from property line along Wisconsin Avenue and Main Street. Minimum 7' building setback from property line along South Street, and Worthington Street.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.
- (d) Orientation – Developments abutting Lac La Belle shall have street front and lake front elevations.

17.208(9) West Worthington Street Area:

- (a) Building Height – 45' maximum building height, 30' minimum building height.
- (b) Building Setbacks – Minimum 10' building setback from property line along Wisconsin Avenue. Minimum 7' building setback from property line along Worthington Street. Minimum 10' rear and side yard building setback from property lines.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.

17.208(10) East Concord Road Area:

- (a) Building Height – 35' maximum building height, 25' minimum building height.
- (b) Building Setbacks – Minimum 10' building setback from property line along Wisconsin Avenue, South Street, and Concord Road. Minimum 7' building setback from property line along Worthington Street. Minimum 10' rear and side yard building setback from property lines.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.

17.208(11) Walnut Street Area:

- (a) Building Height – 35' maximum building height.
- (b) Building Setbacks – Minimum 7' yard building setback from property line
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.
- (d) Side-yard Offsets – There shall be a minimum building setback from the side lot lines of five (5) feet.

17.208(12) West Lapham Street Area:

- (a) Building Height – 50' maximum building height, 20' minimum building height.
- (b) Building Setbacks – Minimum 5' building setback from property line along E. Wisconsin Avenue. Minimum 7' building setback from property line along E. Pleasant Street, N. Thompson Street, and Walnut Street. Minimum 10' front yard building setback on N. Fowler Street. Minimum 3' building setback from property line along S. Silver Lake Street. A 45' building setback from Fowler Lake and 10' building setback from the railroad right-of-way.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.
- (d) Orientation – Developments abutting Roundabout shall have orientation toward the roundabout.
- (e) Parking –
 - 1. Residential Parking – All new residential shall be required to install a minimum of (1) on-site parking stall for each (1) bedroom or efficiency units and (2) on-site parking stalls for each (2) bedroom or greater units. Guest parking shall be an additional 0.25 stall per residential unit. Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage. Design standards for properties and development located on Fowler Lake will be reviewed by the Plan Commission and Architectural Commission on a case-by-case basis.
 - 2. Non-Residential Parking – Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage. Design standards for properties and development located on Fowler Lake will be reviewed by the Plan Commission and Architectural Commission on a case-by-case basis.
- (f) Paving Setback – Front Yard minimum of 5' pavement setback except for approved driveways; Side Yard minimum of 3' and Rear Yard minimum of 5'.
- (g) Side-yard Offsets – There shall be a minimum building setback from the side lot lines of five (5) feet.

- (h) Landscaping – Development plans shall incorporate 40 landscaping points per 1000 SF of new impervious area, including but not limited to rooftops, parking lots and hard-surfaced loading areas.
- (i) Open Space – Each development shall include a minimum of 10% of public or private open space on the property.

17.208(13) East Lapham Street Area:

- (a) Building Height – 50’ maximum building height, 20’ minimum building height.
- (b) Building Setbacks – Minimum 15’ building setback from property line along E. Wisconsin Avenue, N. Lapham Street, and Sheldon Road. A 45’ building setback from Fowler Lake and 10’ setback from the railroad right-of-way.
- (c) Windows / Transparency – A minimum of 25% ground floor glass transparency.
- (d) Parking –
 - 1. Residential Parking – All new residential shall be required to install a minimum of (1) on-site parking stall for each (1) bedroom or efficiency units and (2) on-site parking stalls for each (2) bedroom or greater units. Guest parking shall be an additional 0.25 stall per residential unit. Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage. Design standards for properties and development located on Fowler Lake will be reviewed by the Plan Commission and Architectural Commission on a case-by-case basis.
 - 2. Non-Residential Parking – Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage. Design standards for properties and development located on Fowler Lake will be reviewed by the Plan Commission and Architectural Commission on a case-by-case basis.
- (e) Paving Setback – Front Yard minimum of 5’ pavement setback except for approved driveways; Side Yard minimum of 3’ and Rear Yard minimum of 5’.
- (f) Side-yard Offsets – There shall be a minimum building setback from the side lot lines of five (5) feet.
- (g) Landscaping – Development plans shall incorporate 40 landscaping points per 1000 SF of new impervious area, including but not limited to rooftops, parking lots and hard-surfaced loading areas.
- (h) Open Space – Each development shall include a minimum of 25% of public or private open space on the property.

Section 17.209 Large Scale Development Standards

Large scale development buildings subject to this Section shall incorporate the following features along no less than 60% of their horizontal length in a manner determined sufficient by the Zoning Administrator:

- (1) Arcades.
- (2) Windows for vision, display, or daylighting.
- (3) Customer entrances in addition to the requirements listed below.
- (4) Awnings, canopies, or porticos.

- (5) Outdoor patio or other community feature, such as pedestrian plazas with benches, window shopping walkways, outdoor playground areas, information kiosks, water features, planter walls, public art, or other deliberately shaped areas or features that enhance community and public spaces.
- (6) Building façades shall include a repeating pattern that includes no less than three (3) of the following elements:
 - (a) Color change.
 - (b) Texture change.
 - (c) Material module change.
 - (d) Expression of architectural or structural bay through a change in plane no less than 24-inches in width, such as an offset, reveal or projecting rib.
 - (e) At least one (1) of the above elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
- (7) Rooflines shall be varied with a change in height at least every 75 linear feet in the building length.
- (8) Roofs shall have features such as:
 - (a) Parapets, gable roofs, hip roofs, or dormers that would be used to conceal rooftop equipment from public view. Parapets shall feature three-dimensional cornice treatments.
 - (b) Overhanging eaves that extend no less than three (3) feet past the supporting walls.
 - (c) Three (3) or more roof slope planes, with varying lengths and designs.
- (9) Materials and Color: Any façade that is visible from a public street or adjacent property shall be constructed of high quality materials, including, but not limited to brick, wood, stone, tinted and textured concrete masonry units. Exterior insulation and finish system (EIFS) shall not be used on the lower three (3) feet of any façade and shall not exceed 30% of the exterior wall area of a building.
- (10) Large scale development shall have a clearly defined, highly visible customer entrance featuring no fewer than three (3) of the following:
 - (a) Canopies or porticos.
 - (b) Overhangs.
 - (c) Recesses/projections.
 - (d) Arcades.
 - (e) Raised corniced parapets over the door.
 - (f) Display windows.
 - (g) Peaked roof forms.
 - (h) Arches.
 - (i) Outdoor patios.
 - (j) Architectural details, such as tile work and moldings that are integrated into the building.

- (k) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (11) Large buildings shall feature “four-sided architecture” so that all sides will have a finished public view and there shall be full screening of all mechanical equipment.
- (12) Developer shall submit a traffic impact analysis (TIA) drafted by a professional traffic engineer addressing traffic impact created, or affected by, the large scale development. All recommendations listed in the TIA shall be installed by the developer.
- (13) Parking lots shall be designed to incorporate internal greenspace islands throughout the parking areas. A minimum of 10% of the overall asphalt area shall be internal greenspace islands.
- (14) Parking lots exceeding 1,000 stalls shall be reviewed and approved by the Wisconsin Department of Natural Resources prior to approval by the City.
- (15) Stormwater management plans shall be designed by a professional engineer and reviewed and approved by the City Engineer.
- (16) Outside display or sales of products shall not encroach into the parking lots of the development.
- (17) Outside storage of bulky items shall only be allowed in the rear of the building and with proper screening as determined by the City.
- (18) A trash and debris program shall be submitted as part of the application, addressing how the applicant intends on keeping the site in a clean, orderly, and trash and debris-free condition.
- (19) If located abutting a residentially zoned property, no customer service entrance or parking stall shall be permitted within 100 feet of a residentially zoned property.
- (20) All dumpsters shall be located within the established building setback distances and shall be screened with materials similar to the principal building materials.

Section 17.210 Multi-Family and Duplex Design Standards

The purpose of these standards is to ensure that multi-family and duplex developments exhibit creativity and variety in design features. These standards shall be applicable to all multi-family and duplex development.

(1) Site Planning:

- (a) Building Orientation: The primary entrance and façade of individual buildings within a multi-family or duplex development shall be oriented towards:
 - (1) Primary internal or perimeter streets, or
 - (2) Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.

- (b) Pedestrian Connections: An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - (1) The primary entrance or entrances to each multi-family or duplex building;
 - (2) To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family or duplex development;
 - (3) Any sidewalk system along the perimeter streets adjacent to the multi-family or duplex development;
 - (4) Any adjacent commercial land uses, including but not limited to retail shopping center, office buildings, restaurants, or personal service establishments; and
 - (5) Any adjacent or on-site public park, trail system, open space area, greenway, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.
- (c) Garage Placement and Design
 - (1) General: The use of alley or side-loaded garages, or the use of a combination of garage orientations is encouraged where practicable.
 - (2) Freestanding Common Garages, Carports, Parking Lots
 - (a) To the maximum extent feasible, garage entries, carports, and parking lots, shall be internalized in building groupings or located away from street frontages.
 - (b) Parking lots and freestanding common garages and carports shall not occupy more than 30 percent of each perimeter public street frontage.
 - (c) To the maximum extent practicable, freestanding common garages and carports that are visible from perimeter public streets shall be sited perpendicular to the perimeter street in order to reduce visual impacts on the streetscape.
 - (d) Freestanding common garages and carports shall be limited to 60 feet in length unless second-floor residential units are incorporated above them, in which case they shall be limited to 80 feet in length.
 - (e) Detached common garages and carports shall incorporate compatible materials, scale, colors, architectural details, and roof slopes similar to those of the primary multi-family or duplex building.
 - (3) Front-Loading Garages
 - (a) Garage doors on all front-loading (street-orientated) garages shall be either:
 - (1) Recessed a minimum of four (4) feet behind the front façade of the dwelling portion of the structure (including side-loading garages), or a front porch that is a minimum of five (5) feet wide by eight (8) feet long; or
 - (2) Recessed a minimum of two (2) feet beneath a second floor bay.

(b) A straight run of more than two (2) garage doors (street orientated) is not permitted. Banks of more than two (2) garage doors must be interrupted by an entry to the building or architectural feature.

(2) **Building Design**

- (a) **Four-Sided Design:** All sides of a multi-family building shall display a similar level of quality and architectural detailing. The majority of a building's architectural features and treatments shall not be restricted to a single façade. Building details, including roof forms, windows, doors, trim, and siding materials, shall reflect the architectural style of the building.
- (b) **Façade Articulation:** Blocky, uniform facades are prohibited. The façades of all multi-family buildings shall be articulated through the incorporation of three (3) or more of the following:
 - (1) Balconies;
 - (2) Bay or box windows;
 - (3) Insets or other relief in the wall plane;
 - (4) Porches;
 - (5) Dormers;
 - (6) Variation in materials; or
 - (7) Variations in roof forms.
- (c) **Roof Form:** The incorporation of a variety of roof forms is strongly encouraged.
- (d) **Multi-Building Developments:** Multi-family developments with more than three (3) buildings shall incorporate more than one (1) distinction among building designs.

Section 17.211 Outdoor Lighting

The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances. All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section unless exempted:

- (1) **Existing lighting:** All lighting existing prior to the adoption of this Section shall be brought into compliance with this Section upon reconstruction or remodeling of more than a cumulative 50 percent of floor area of such building, facility or additions.
- (2) **Lighting Plan Requirement:** The submission of an exterior lighting plan is required prior to the approval of a site plan to promote a standard illumination that is unified in design, color, intensity, and fixtures. The plan shall describe such things as the light source, level of illumination, pole height, fixture details, hours of illumination, and the orientation. Single and two-family dwellings are not required to submit a lighting plan.
- (3) **Exempt Lighting:** The following types of lighting are exempt from the requirements of this Section:

- (a) Soffit or wall-mounted luminaries that are permanently attached to single-family residential dwellings, not to exceed the height of the eave.
 - (b) Public street and right-of-way lighting.
 - (c) Temporary decorative seasonal lighting.
 - (d) Temporary lighting for emergency work and construction.
 - (e) Temporary lighting for theatrical, television, and performance areas, or for special events authorized by the City.
 - (f) Lighting required and regulated by the Federal Aviation Administration.
 - (g) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standard:
 - (1) Lighting shall be extinguished no later than 11:00 pm unless approval is granted by the Zoning Administrator.
- (4) Prohibited Light Sources: The following light fixtures and sources shall not be used where the direct light emitted is visible from adjacent public areas and adjacent properties.
- (a) Mercury vapor light sources;
 - (b) Searchlights and other high-intensity narrow beam fixtures, except for accent lighting.
- (5) Design Requirements: Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements to emphasize landscape and building features. Light fixtures shall be designed as an internal design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
- (a) Fixture (Luminaries): All light sources shall be concealed or shielded with luminaries with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.
 - (b) Fixture Height: Lighting fixtures shall be a maximum of 30 feet in height (including base) within parking areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
 - (c) Light Source (Lamp): Lighting with a similar color temperature shall be used for similar types of lighting on any one site throughout any development.
 - (d) Light Spill/Trespass: If light trespasses onto adjacent property, house-side shields shall be used on light fixtures adjacent to residential zoned property to prevent glare, light spill, or trespass.
- (6) Specific Lighting Standards:
- (a) Building Mounted Lighting: Building mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be full cut-off. Building mounted fixtures shall not be substituted for parking area or

walkway lighting and shall be restricted to loading, storage, service and similar locations.

- (b) Accent Lighting: Only lighting used to accent architectural features, buildings, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize glare and light spill into the night sky.
- (c) Canopy Area Lighting: All developments that incorporate a canopy area over fuel sales, automated teller machines or similar installations shall use flat lens, full cutoff fixtures.
- (d) Parking Area Lighting: A minimum of 0.5 foot-candle of illumination is required on the parking surface, drive lanes and loading zones.
- (e) Excessive Illumination:
 - (1) Any lighting used to illuminate off-street parking areas shall be down lit away from residential properties and public streets in such a way as not to create a nuisance.
 - (2) Lighting shall not be orientated so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.
 - (3) All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
- (f) Intensity of Illumination:
 - (1) Adjacent to Residential Zoned Property: In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.
 - (2) Adjacent to Non-Residential Zoned Properties: For non-residential zoned property adjacent to non-residential zoned properties, in no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 3.00 footcandles above ambient lighting conditions on a cloudless night.
 - (3) Non-Residential Zoned Properties Adjacent to Right-of-Way: For non-residential zoned property adjacent to right-of-way, in no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 1.20 footcandles above ambient lighting conditions on a cloudless night, provided, however, that the lighting on the non-residential zoned property, when combined with the roadway lighting, does not create a traffic hazard because of illumination and/or glare on operators of motor vehicles.

Section 17.212 Noise Standards

The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

- (1) **Prohibited Acts:** It shall be unlawful for any person to willfully or negligently make or continue any loud or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitivities residing in the area. The factors used to make a determination that this Ordinance has been violated include the following:
 - (a) The sound level of the objectionable noise;
 - (b) The character and typical environmental noise of the surrounding area;
 - (c) The proximity of the noise to residential areas;
 - (d) The nature and zoning of the area where the noise originates;
 - (e) The number of persons affected by the noise;
 - (f) The time of day or night the noise occurs;
 - (g) The duration of the noise; and
 - (h) Whether the noise is instantaneous, intermittent or perpetual.

- (2) **Maximum Permissible Sound Levels:** No person, business, or institution shall conduct or permit any activity that produces a dB(A) beyond their property line exceeding the levels specified below. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes. Sound measurements shall be made at or inside the property line of the person complaining of excessive noise. The measurement shall be taken from five (5) feet above the ground or floor level:
 - (a) **Impulsive Noise:**
 - (1) Residential district – 60 dB(A) from 10:00 p.m. to 7:00 a.m. and 70 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (2) Commercial and Institutional districts – 70 dB(A) from 10:00 p.m. to 7:00 a.m. and 80 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (3) Industrial and Urban Reserve districts – 80 dB(A) from 10:00 p.m. to 7:00 a.m. and 90 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (b) **Intermittent Noise:**
 - (1) Residential district – 55 dB(A) from 10:00 p.m. to 7:00 a.m. and 60 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (2) Commercial and Institutional districts – 60 dB(A) from 10:00 p.m. to 7:00 a.m. and 65 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (3) Industrial and Urban Reserve districts – 70 dB(A) from 10:00 p.m. to 7:00 a.m. and 75 dB(A) from 7:00 a.m. to 10:00 p.m.

- (c) Continuous Noise:
 - (1) Residential district – 45 dB(A) from 10:00 p.m. to 7:00 a.m. and 50 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (2) Commercial and Institutional districts – 50 dB(A) from 10:00 p.m. to 7:00 a.m. and 55 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (3) Industrial and Urban Reserve districts – 55 dB(A) from 10:00 p.m. to 7:00 a.m. and 60 dB(A) from 7:00 a.m. to 10:00 p.m.
- (d) Perpetual Noise:
 - (1) Residential district – 45 dB(A) from 10:00 p.m. to 7:00 a.m. and 50 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (2) Commercial and Institutional districts – 50 dB(A) from 10:00 p.m. to 7:00 a.m. and 55 dB(A) from 7:00 a.m. to 10:00 p.m.
 - (3) Industrial and Urban Reserve districts – 55 dB(A) from 10:00 p.m. to 7:00 a.m. and 60 dB(A) from 7:00 a.m. to 10:00 p.m.
- (3) Limited Exemptions: The following uses or situations shall have limited exemptions from the noise standards of this Subchapter:
 - (a) Construction Noise: No person shall use construction equipment on buildings or construction sites between the hours of 7:00 p.m. and 7:00 a.m. In all events, any and all noise resulting from activity involving the use of construction equipment in a residential area shall be measured from the property line on which the work is being conducted.
 - (b) Commercial Power Equipment: No person shall use commercial power equipment in residential areas between the hours of 7:00 p.m. and 7:00 a.m.
 - (c) Residential Power Equipment: Power equipment intended for frequent use in residential areas may be used at a reasonable time and in a reasonable manner so as not to offend the peace and quiet of persons of ordinary sensibilities. In all events, any and all residential power equipment used within, or adjacent to, a residential area shall be limited to use between the hours of 7:00 a.m. and 9:00 p.m.
 - (d) Loading and Unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line shall be prohibited.
- (4) General Exemptions: The following activities are exempted from the requirements of this Section:
 - (a) Emergency work necessary to restore property to a safe condition following fire, accident, or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger.
 - (b) Sound to be made to alert persons to the existence of an emergency, danger or attempted crime.
 - (c) Activities or operations of governmental units or agencies.

- (d) Parades, concerts, festivals, fairs, or similar activities, subject to the any sound limits established in the approval by the City and approved by the appropriate City Departments. .
- (e) Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools.

Section 17.213 Non-Residential Snow Storage

Adequate space for snow storage shall be provided on a site plan and approved by the Zoning Administrator. Snow storage areas shall not utilize designated parking stalls or public right-of-way unless approved by the Zoning Administrator.

Section 17.214 Fence/Wall Standards

Fences and/or walls may be erected or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this Section. The owner shall be responsible for properly locating all property lines before construction of the fence. The following requirements apply to all fences and walls exceeding thirty (30) inches in height:

(1) Materials:

- (a) Residential Districts: Acceptable materials for constructing fencing and walls include wood, stone, brick, wrought iron, chain link, wire mesh, and any other materials determined to be similar by the Zoning Administrator. Wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50% opaque.
- (b) Nonresidential Districts: Acceptable materials for constructing fencing or walls include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted on security fencing at heights equal to or greater than seven and one-half feet (90"). Any fence within a street yard, including along property lines which intersect a right-of-way, shall require review by the Zoning Administrator to ensure consistency with the character of the development and surrounding neighborhood.
- (c) Temporary Fencing: Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 to April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days.

(2) Location: On all properties, no fence or wall shall be located closer than one (1) foot to the front yard or street yard property line. Fences may be located no closer than one (1) inch from any property line abutting a side or rear yard.

(3) Maximum Height: The maximum height of any fence or wall shall be the following:

- (a) Four (4) feet when located within a required front yard or required street yard on any property;
- (b) Six (6) feet when located on any residentially zoned property, but not within a required front yard or required street yard; and

- (c) Eight (8) feet when located on any nonresidential zoned property, but not within a required front yard or required street yard, except security and screening fences may exceed this height if approved by the Zoning Administrator.
- (4) Orientation: Any and all fences or walls between different land uses shall be erected so as to located visible supports and other structural components towards the most intensive land use as determined by the Zoning Administrator.
- (5) Maintenance: Any and all fences or walls shall be maintained in a structurally sound and attractive manner.

SUBCHAPTER 17-3: TRAFFIC, PARKING, AND ACCESS

Section 17.301 Purpose

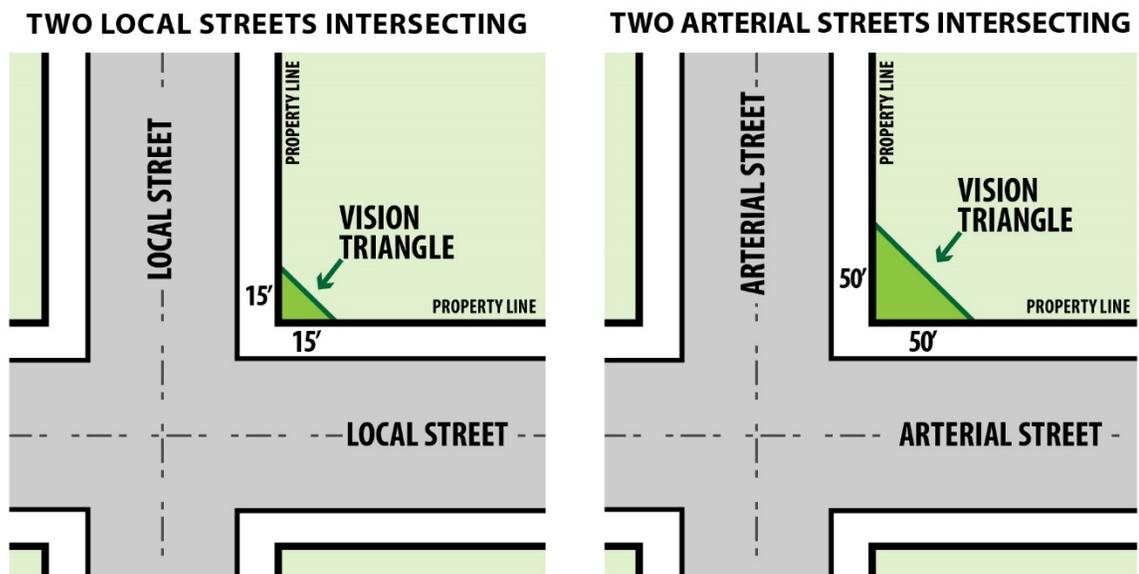
The purpose of this Subchapter is to provide the requirements for access, visibility, off-street parking, and off-street loading for all development occurring within the City.

Section 17.302 Visibility Standards

The purpose of this Section is to alleviate and prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

- (1) **Requirement:** In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision at the intersection of any two streets; or the intersection of a street and a railroad.
 - (a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 30 inches (2 ½ feet) and 8 feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley rights-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection as measured along the property lines. In establishing the vision triangle, the planned or ultimate right-of-way lines shall be used. This requirement may be waived by the City Planner on a case-by-case basis to enhance site designs.

VISION CLEARANCE TRIANGLE (PLAN VIEW)



- (b) In the Case of Arterial Streets intersecting with any other street, the corner cutoff distances establishing the vision triangle clearance space shall be increased to 50 feet.

- (2) **Depiction on Required Site Plan:** Any and all visibility triangles located on a property proposed for development or redevelopment shall be depicted on the site plan required for the development of the property.

Section 17.303 Parking and Loading Standards

These requirements are intended to establish orderly, safe, and efficient vehicular parking, circulation and access on adjoining thoroughfares within developments. The off-street parking and loading standards on this Section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district. The requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site. The off-street parking and loading standards of this Section apply when an existing structure or use is expanded or enlarged, or when there is a change in use. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area of the new use, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal 100 percent of the minimum ratio established in this Section.

- (1) **Off-Street Parking Requirements:** Properties zoned mixed commercial (MC) are exempt from off-street parking requirements. Unless otherwise expressly stated in this Zoning Ordinance, off-street parking spaces shall be provided as stated below:

Off-Street Parking Requirements Schedule A		
("du" = dwelling unit; "sf" = gross square feet)		
Use Category	Use Type	Number of Spaces Required
Residential Uses		
Household Living	All use types not listed below	2/du
	Dwelling, multi-family	1.5/du for one bedroom units 2/du for all other units All projects shall provide 0.25 guest spaces per unit
Group Living	Community living arrangement (up to 8 residents)	1 per two beds plus 1 per 100 sf of assembly area
	Community living arrangement (9 or more residents)	
	Elderly housing, assisted living facility	1 per four beds, based upon maximum capacity
	Nursing home, hospice, life care center	
Public, Institutional, and Civic Uses		
Community and Cultural Facilities	Government admn. and civic buildings	1/300 sf
	Social, fraternal lodges	
	Public safety facility	
	Library, museum	
	Places of worship	
Child Care Facilities	Child care center, nursery school	1 per 400 sf, and 1 additional space, reserved for pickup and delivery of children per 800 sf. Parking requirements of principal use shall be met if daycare use is accessory
	Daycare center in school or religious inst.	

Off-Street Parking Requirements Schedule A

("du" = dwelling unit; "sf" = gross square feet)

Use Category	Use Type	Number of Spaces Required
Health Care Facilities	Hospital	1 per two beds, based on maximum capacity, plus 1 per 300 sf of office and administrative area, plus required parking for supplemental uses
	Immediate care facility	1/300 sf
	Medical or dental office/clinic	
	Physical, occupational or massage therapy	
Parks and Open Space	All use types	See Schedule C. Playfields (soccer, baseball, etc.) shall have a minimum of 20 spaces per field
Educational Facilities	College or university	1/300 sf of enclosed floor space
	Elementary or secondary school	1 per six seats in the main auditorium or assembly room, based on maximum capacity, or 1.25 per classroom, whichever is greater
Commercial Uses		
Animal Related Services	All use types	1/300 sf
Financial Services	All use types	1/300 sf (plus stacking spaces if drive-thru is provided)
Food and Beverage Services	All use types not listed below	1/200 sf
	Restaurant, with drive-through	1/300 sf
Lodging Facilities	Bed and Breakfast	1 per guestroom
	Hotel, motel, or lodge	1 per guestroom, plus 1 per 90 sf of meeting or lounge area, plus any supplemental uses
Offices, Business and Professional	All use types	1/300 sf
Personal Services	All use types	1/300 sf
Recreation and Entertainment Indoor	Sexually orientated business	1/300 sf
	Art Gallery	1/300 sf
	Movie Theater	1 per 4 seats
	General Indoor Entertainment	1/300 sf

Off-Street Parking Requirements Schedule A ("du" = dwelling unit; "sf" = gross square feet)		
Use Category	Use Type	Number of Spaces Required
Recreation and Entertainment Outdoor	General outdoor recreation, commercial	1 per 5,000 sf of land area, or 1 per 3 persons capacity (maximum), whichever is greater; playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field
	Golf course or driving range	Golf course: 4 per green Driving range: 1 per tee
Retail Sales	Greenhouse or nursery, commercial	See schedule B
	Grocery store	
	All other uses	1/300 sf
Vehicles and Equipment	Gasoline Sales	1 per 1,000 sf. of floor area
	Vehicle sales and rental	See schedule B
	Vehicle service and repair	
Industrial Uses		
Industrial Service	All use types	1 per 2 employees
Manufacturing and Production	All use types	1 per 2 employees
Warehouse and freight movement	Mini-storage	1 per 50 units, plus 1 per 300 sf of office area, plus vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls.
	All other uses	See schedule B
Telecommunications	Tower/antenna of any height	None
Accessory Uses		
Home Occupation		1/du in addition to spaces required for the dwelling

- (2) Schedule B: Uses included in Off-Street Parking Schedule B, shall provide the minimum number of off-street parking spaces listed in the table below. Unless otherwise approved, lots containing more than one (1) activity shall provide parking and loading in an amount equal to the total of the requirements for all activities.

Off-Street Parking Schedule B	
Use	Number of Spaces Required
Offices	1 per 300 square feet
Indoor sales area	1 per 250 square feet

Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet)	1 per 2,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area	
1 – 3,000 square feet	1 per 300 square feet
3,001 – 5,000 square feet	1 per 650 square feet
5,001 – 10,000 square feet	1 per 750 square feet
10,001 – 50,000 square feet	1 per 1,250 square feet
50,001 square feet or more	1 per 1,500 square feet

- (3) Schedule C: Uses that reference “Schedule C” have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking and loading standard. Upon receiving an application for a use subject to Schedule C standards, the Zoning Administrator shall apply the off-street parking and loading standard specific for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Zoning Administrator, and should include other reliable data collected from users or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.
- (4) **Maximum Number of Spaces Permitted**: For any use categorized as “Commercial” or “Industrial” in the “Off Street Parking Requirements” table, off-street parking spaces shall not be provided in an amount that is more than 125 percent of the minimum requirements established in this Ordinance. Exceptions to this requirement includes:
- (a) If application of the maximum parking standard would result in less than six (6) parking spaces, the development shall be allowed six (6) parking spaces.
 - (b) For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirements, but shall count toward the minimum requirement:
 1. Accessible parking
 2. Vanpool and carpool parking
 3. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.
 - (c) Exceptions to the maximum parking requirements may be allowed in situations that meet all of the following criteria as determined by the Zoning Administrator:
 1. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which create a

parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses.

2. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio.
3. The request is the minimum necessary variation from the standards.
4. If located in a mixed-use development, the uses in the proposed development and the site design are highly supportive of the mixed-use concept and support high levels of existing or planned transit and pedestrian activity.
5. Phased construction of parking areas that exceed the maximum parking requirements is encouraged to ensure the maximum amount of parking necessary is constructed.

(5) Computation of Parking and Loading Requirements:

- (a) Fractions: When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.
- (b) Multiple Uses: Lots containing more than one (1) use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- (c) Area Measurements: Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.
- (d) Computation of Off-Street Parking: Required off-street loading space shall not be included as off-street parking space computation of required off-street parking space.
- (e) Parking for Unlisted Uses: Parking requirements for uses not specifically listed within this Section shall be determined by the Zoning Administrator based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Zoning Administrator may alternatively require the submittal of a parking demand study that justifies estimates of parking demand and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(6) Parking Area Layout and Design:

(a) Stall Dimensions

1. Parking stall and aisle dimensions shall be measured from the middle of the stall stripe of a parking stall to the middle of the adjacent stall stripe.

Aisles for two-way flows shall be a minimum of 24 feet, except when no spaces are backing onto the aisle, in which case the width shall be 20 feet.

2. Accessible parking shall comply with the requirements of the International Building Code.
3. The following standards may be used as guidelines for the design of indoor and outdoor parking stalls. Deviations from these standards may be approved by the Zoning Administrator on a case-by-case basis:

Design of Parking Stalls (Minimum)				
Type of Stall	Parking Angle	Stall Width	Stall to Curb	Aisle Width
Passenger Vehicle	0°	8'	8'	12'
Passenger Vehicle	45°	9'	19'	13'
Passenger Vehicle	60°	9'	20'	13'
Passenger Vehicle	90°	9'	18'	24'
Handicapped Space	90°	8' with 5' aisle	18'	24'
Handicapped Van Space	90°	8' with 8' aisle	18'	24'

(b) Parking Area Layout

1. (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) Surface: All parking, driveway areas, and primary access to parking facilities shall be surfaced with asphalt, concrete or other similar hard surfaced materials, unless otherwise approved by the Director of Public Works. Accent paving is required to indicate pedestrian linkages. All vehicles shall park on a hard surfaced area unless otherwise approved by the Zoning Administrator.
2. Integrate Parking Lots with Surroundings: Parking lots shall not dominate the frontage of pedestrian-orientated streets, or interfere with designated pedestrian routes. The pedestrian character of streets and buildings shall be maximized through continuity of building and landscape frontage. Large, unrelieved expanses of parking shall be avoided.
3. (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) All parking stalls shall be painted, striped, or marked to identify the location and width of the parking stalls.

(c) Shared Access: Wherever feasible, parking lots shall share access lanes.

(d) Circulation Area Design: Circulation for parking areas intended to accommodate twenty (20) vehicles or more shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Parking lots that accommodate twenty or more

vehicles must maintain continuous circulation patterns, with no dead-ends, and safe access to public streets.

- (e) **Lighting and Maintenance:** All parking area lighting shall comply with the City's lighting requirements and provide adequate lighting for safety if night use is intended. Parking lots should provide adequate security and should limit visual clutter, parking lot signs, and equipment.
 - (f) **Loading Areas:** The City requires all new and substantially remodeled commercial and industrial developments to provide adequate loading zones. The loading zones must be illustrated on the site plan submitted for approval. Loading areas shall not impede major roads, highways, intersections, or other paths of travel. These zones must be located away from areas where there is heavy pedestrian travel unless such areas cannot be avoided.
 - (g) **Paved Surface Setback:** On a case-by-case basis, the Zoning Administrator may waive the minimum paved surface setback.
- (7) **Parking Alternatives:** The Zoning Administrator may approve alternatives to providing the number off-street parking spaces in accordance with the following standards:
- (a) **Shared Parking:** The Zoning Administrator may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:
 1. **Location:** Every shared parking space shall be located no farther than an appropriate distance as determined by the Zoning Administrator from the entrance to each building for which the shared parking is provided.
 2. **Zoning Classification:** Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.
 3. **Shared Parking Study:** Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The application shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties.
 4. **Agreement for Shared Parking:** The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the City Attorney. The agreement shall provide for the maintenance of jointly used facilities. The Zoning Administrator may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance

of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of this Zoning Ordinance.

- (b) Off-Site Parking: The Zoning Administrator may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:
1. Location: No off-site parking space may be located more than an appropriate distance as determined by the Zoning Administrator from an entrance to the use being served. Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a pedestrian walkway, a traffic signal, a shuttle bus, other traffic control device or remote parking shuttle bus service is provided.
 2. Control of Site: Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.
 3. Ineligible Activities: Required parking spaces for persons with disabilities may not be located off-site.
 4. Agreement for Off-Site Parking: In the event that an off-site parking area is not under the same ownership as the principal land use served, a written agreement between the recorded owners shall be required, approved by the City Attorney. The agreement shall guarantee the use of the off-site parking area for a minimum period as determined by the City. The Zoning Administrator may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. A copy of the agreement between the owners of record shall be submitted to the County for recordation in a form acceptable by the City Attorney. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of this Zoning Ordinance.
- (c) District Parking: Minimum required off-street parking spaces may be waived by the Zoning Administrator or reduced for properties within the boundaries of a public parking area that provides district-wide parking facilities, based on the projected parking demand to be addressed by the district-wide facility.
- (d) Stacked, Tandem, and Valet Parking: Stacked, tandem, or valet parking for nonresidential uses is allowed if an attendant is present to move vehicles. In addition, a guarantee acceptable to the City shall be filed with the City ensuring that a valet parking attendant shall always be on duty when the parking lot is in

operation. For residential uses, tandem or stacked vehicle parking may be allowed.

(e) **Structured Parking:**

1. **Maximum Parking Waiver:** Where 50 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces.
2. **Density Bonus for Structured Parking in the Mixed-Use District:** A density bonus shall be granted for underground parking structures in the mixed-use district. The bonus shall be granted at a ratio of 0.1 du/gross acre of additional bonus density for each structured parking space.

(8) **Adjustments to Required Parking:** The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost efficient site development, to eliminate constructing more impervious surface than necessary, to minimize stormwater runoff, to avoid construction of unnecessarily large stormwater management facilities, and to provide more landscape areas and open space on sites. The total requirement for off-street parking may be reduced as part of the development approval by the Plan Commission as outlined below:

- (a) All uses are eligible for a 20 percent parking reduction if the applicant can prove the reduced parking will not negatively impact the health, safety and welfare of persons utilizing the development and the surrounding neighborhood.
- (b) The applicant shall submit a study providing an accurate reflection of parking demand for the development. Included in this study shall be alternatives including shared parking, bicycle parking, and pedestrian connections to the development.

(9) **Interior Parking Lot Landscaping Requirements:** The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards:

- (a) A minimum of five percent (5%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands or peninsulas. The planting islands shall contain a minimum of one hundred sixty (160) square feet and be a minimum of nine (9) feet in width.
- (b) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved Stormwater Plan approved by the City Engineer.

Section 17.304 Off-Street Loading Standards

Any use which has a gross floor area of ten thousand (10,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with this Section.

(1) **Location:** All loading berths shall be located twenty-five (25) feet or more from the intersection of two street right-of-way lines. Loading berths shall not

be located within any required front yard or side yard setback area. All loading areas shall be located on private property and shall not be located within, or interfere with, any public right-of-way.

- (2) Size of Spaces: A required off-street loading space shall be at least ten (10) feet wide at least thirty-five (35) feet in length for structures less than twenty thousand (20,000) square feet in gross floor area, and at least ten (10) feet wide by fifty (50) feet in length for larger structures. The above areas shall be exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- (3) Shared Loading: Two or more uses on adjacent lots may share a loading area.
- (4) Surfacing: All open off-street loading areas shall be paved.

Section 17.305 Access Standards (Driveways)

The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public.

- (1) Number of Access Points:
 - (a) Each nonresidential lot shall have not more than two (2) access points on any street frontage adjacent to any lot. Said access shall require approval by the Zoning Administrator and Director of Public Works.
 - (b) For residential uses, two (2) access points serving the same street frontage may be approved by the Plan Commission.
 - (c) In no instance shall any residential lot be permitted to have more than one (1) access point on any one (1) street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
- (2) Access Near Street Intersections: At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street right-of-ways unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
- (3) Distance Between Access Drives: The minimum distance between access drives serving the same property shall be 25 feet (edge to edge).
- (4) Angle of Intersection with Public Right-of-Way: All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees where possible.
- (5) Driveways: All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:
 - (a) (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) Urban Reserve or Residential districts: The maximum width of a driveway shall be 30 feet at the curb line or edge of pavement and 20 feet at the right-of-way line. The minimum width of a driveway at the property line shall be ten (10) feet. Widening of a driveway on the yard side of the right-of-way line is permitted and shall, at a minimum, provide for yard area at a 45 degree angle from the property line to the yard side of the driveway. Maximum driveway width is the width of the

garage entrance or parking area, up to a maximum of thirty-five (35) feet. The minimum paved surface setback is waived in the case of joint driveways approved by the Zoning Administrator.

- (b) Commercial, Office, or Institutional District: The maximum driveway width shall be 40 feet beginning at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of three (3) additional feet per side. The minimum paved surface setback is waived in the case of joint driveways approved by the Zoning Administrator. The minimum driveway width in all non-residential districts shall be 20 feet and shall have a minimum clearance height of 13 feet.

Maximum Driveway Width		
Zoning District	Maximum Driveway Width at Street Right-of-Way	Maximum Driveway Width at Curblin/Pavement Edge
Urban Reserve or Residential	20 feet	30 feet
Commercial, Office, or Institutional	40 feet	45 feet
Industrial	40 feet	45 feet

- (6) Traffic Control: The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six (6) or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works. A traffic study is required for all buildings containing more than 40,000 square feet.
- (7) Depiction on Site Plan: Any and all proposed access drives on the property being developed or redeveloped shall be depicted as to their location and configuration on the site plan required for the development of the property.
- (8) Paving of Access: All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. Paving of new driveway accesses shall be completed within one (1) year following occupancy of a new structure.

SUBCHAPTER 17-4: NONCONFORMING USES, STRUCTURES AND LOTS

Section 17.401 Purpose

Within the Zoning Districts established by this Ordinance, there may exist uses, buildings, structures, and lots that do not conform to the provisions of this Ordinance. The purpose of this Subchapter is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

Section 17.402 Nonconforming Buildings or Structures

A lawful nonconforming building or structure existing on the effective date of this Ordinance may be continued although it does not conform to the provisions of this Ordinance with respect to bulk characteristics including, but not limited to, setback, open space, floor area ratio, height, density, parking facilities, amount of parking, and style, provided that any additions or enlargements shall conform to the provisions of this Ordinance.

Section 17.403 Nonconforming Uses

Per State Statute 62.23(7)(h), the lawful nonconforming use of a building, structure, or land existing on the effective date of this Ordinance may be continued although it does not conform to the provisions of this Ordinance, provided that:

- (1) Structural repairs and/or structural alterations to the building or structure shall not exceed fifty percent (50%) of the total assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. A cumulative total of all structural costs shall be maintained by the City.
- (2) The nonconforming use shall not be extended;
- (3) If the nonconforming use is discontinued for a period of twelve (12) months, any future use of the building, premises, structure, or fixture shall conform to the Ordinance.

Section 17.404 Nonconforming Cultivation Uses

Cultivation uses in any district whether it is neither a permitted nor conditional use on the effective date of this ordinance is permitted to continue as a nonconforming use, subject to all Statutory and Ordinance regulations relating to nonconforming uses. If a property owner has a nonconforming cultivation use that has been discontinued at the time of adoption of this Ordinance due to the construction of public facilities on the property, the property owner shall be permitted to continue the nonconforming cultivation use once construction of the public facilities is determined completed by the City Planner.

Section 17.405 Additions and Modifications

- (1) No new basements, additional stories, or construction outside of the perimeter of existing nonconforming structures or building shall be permitted unless the proposed construction complies with all applicable provisions of this Ordinance;
- (2) The replacement of an existing nonconforming porch or deck is permitted provided the replacement porch or deck is confined to the existing three dimensional footprint of the existing porch or deck;
- (3) The replacement of an existing roof is permitted provided the replacement roof is confined to the footprint of the existing structure. A flat roof may be replaced with a pitched roof provided the pitched replacement roof does not exceed the height requirements of this Ordinance and provided no additional stories are added to the structure or building.
- (4) Additions and modifications to legal nonconforming structures that comply with the applicable setback and other applicable dimensional requirements of this Ordinance are permitted.

Section 17.406 Nonconforming Lots

A lawful nonconforming lot existing on the effective date of this Ordinance may be continued although it does not conform to the provisions of this Ordinance, provided that the size and shape of the lot shall not be changed in any way to increase the nonconformity.

- (1) Lots of Record: In any district, a building or structure may be established on a lot of record existing on the effective date of this Ordinance, regardless of the size of the lot, provided that all other requirements of this Zoning Ordinance are complied with.

Section 17.407 Restoration of a Nonconforming Building or Structure

A lawful nonconforming building or structure existing on the effective date of this Ordinance that has been damaged or destroyed may be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided that:

- (1) The nonconforming building or structure was damaged or destroyed on or after March 2, 2006;
- (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; and
- (3) The size of the restored building or structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure or building to comply with applicable State or Federal requirements.

SUBCHAPTER 17-5: LANDSCAPING AND SCREENING STANDARDS

Section 17.501 Purpose

This Subchapter is intended to ensure that new landscaping and retention of existing vegetation is an integral part of all development and that it contributes to development, retains and increases property values, conserves water, and improves the environmental and aesthetic character of the community. It is also the intent of this Subsection to provide flexible requirements that encourage and allow for creativity in landscape design.

Section 17.502 Applicability

The following standards apply to all exterior construction and development activity which adds impervious surface, including the expansion of existing buildings, structures, and parking lots, except the construction of detached single-family and duplex dwellings and their accessory structures.

Section 17.503 Landscape Plan and Design Standards

Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, where applicable. Landscape plans for site plans resulting in the installation of impervious surface exceeding ten thousand (10,000) square feet must be prepared by a registered landscape architect. Overall composition and location of landscaped areas shall complement the scale of the development and its surrounding. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

- (1) Elements of the landscape plan shall include the following:
 - (a) Plant list including common and Latin names;
 - (b) Site amenities, including bike racks, benches, trash receptacles, etc.;
 - (c) Storage areas
 - (d) Irrigation;
 - (e) Hardscaping;
 - (f) Labeling of mulching, edging and curbing;
 - (g) Areas of seeding or sodding; and
 - (h) Areas to remain undisturbed and limits of land disturbance.
- (2) Plant Selection: Plant materials provided in conformance of the provisions of this Section shall be of nursery quality and tolerant of individual site microclimates. Preferred and prohibited plant materials are listed in Appendix "A".
- (3) Mulch is encouraged to consist of shredded bark or chipped wood or other organic material. Landscape stone mulch is discouraged.

Section 17.504 Landscape Calculations and Distributions

Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area, for the purpose of this requirement, is defined as all parts of the site that are considered impervious surface and are not left in a natural state within a single contiguous boundary, including building footprints, parking and load

areas, driveways, internal sidewalks, patios, and outdoor activity areas. Developed area does not include other land within required setbacks and natural areas on the same property that are left undisturbed.

DEVELOPED AREA LANDSCAPING REQUIREMENTS	
Minimum Required Landscaping Points per 1,000 Square Feet of Impervious Surface <i>(Amended Ordinance No. 13-O839 – adopted 1/15/13)</i>	
Zoning District	Landscaping Points
Multi-Unit (Low) Residential	45
Multi-Unit (High) Residential	50
Isthmus Residential Multi	75
General Commercial	40
Mixed-Used Commercial	0
Business Park	30
Industrial	20
Urban Reserve	20
Institutional/Public	45

LANDSCAPING POINTS AND CREDITS			
Plant Category	Landscaping Points Per Plant	Minimum Required Installation Size	Incremental Increase for Larger Plants
Climax Trees	75	2" Caliper	25 pts / 0.5" Caliper
Tall Deciduous Trees	30	1.5" Caliper	25 pts / 0.5" Caliper
Medium Deciduous Trees	15	6' Tall, 1.5" Caliper	10 pts / 1' in height or 0.5" Caliper
Low Deciduous Trees	10	4' Tall, 1.5" Caliper	5 pts / 1' in height or 0.5" Caliper
Tall Evergreen Tree	40	5' Tall	25 pts / 1' in height
Medium Evergreen Tree	20	4' Tall	10 pts / 1' in height
Low Evergreen Tree	10	3' Tall	5 pts / 1' in height
Tall Deciduous Shrub	5	36" Tall	3 pts / 6" in height
Medium Deciduous Shrub	3	24" Tall	2 pts / 6" in height
Low Deciduous Shrub	1	18" Tall	n/a
Medium Evergreen Shrub	5	18" Tall/Wide	3 pts / 6" in height
Low Evergreen Shrub	3	12" Tall/Wide	2 pts / 6" in height

Specific plants permitted in each plant category are contained in Appendix “A”.

- (1) Calculations yielding a fraction up to one-half (1/2 of 0.5) shall be rounded down to the nearest whole number; fractions of more than one-half (1/2) shall be rounded up.
- (2) Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings as specified in this Subchapter.
- (3) Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover. Non-planted areas shall not be paved, but shall be covered with a weed barrier and mulched.
- (4) Additional landscaping requirements may be specified by the City Planner or Plan Commission.
- (5) On unique sites or sites with unique design opportunities, hardscape features (such as sculptures or statues, walls, fountains, benches, and walkways) may be incorporated into a landscape in lieu of plantings, subject to approval by the Zoning Administrator. Landscaping points assigned to hardscaping features shall not preclude the need to provide the required plantings in other areas of the development.
- (6) Utility and Pedestrian Easements: Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. Oconomowoc Utilities will not be liable for damages caused to landscaping in utility easements.

Section 17.505 Frontage Landscaping Requirements

Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of trees, shrubs and groundcover. In cases where development frontage landscaping cannot be provided due to site constraints, the Zoning Administrator may waive the requirements or substitute alternative screening methods for the required landscaping.

Section 17.506 Foundation Plantings Requirements

Foundation plantings consist primarily of shrubs and native grasses, and shall be installed along building façades, except where building façades directly abut the sidewalk (a zero setback).

Section 17.507 Screening Along District Boundaries

Screening shall be provided along side and rear property boundaries for each lot between non-residential zoning districts and residential zoning districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

Section 17.508 Maintenance

The owner of the premises is responsible for the watering, maintenance, repair and replacement of all landscaping, fences, hardscape, and other landscape architectural features on the site. All planting beds shall be kept weed free. Plant material that has died shall be replaced within twelve (12) months.

Section 17.509 Protection of Existing Vegetation

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing vegetation and trees whenever possible.

- (1) Designation, Protection, and Replacement: The site plan must indicate trees intended to be preserved with a special symbol and the preserved trees must be protected during construction through the use of a fence around the drip line. If any preserved trees are lost to damage or disease within three (3) years after plan approval, the owner must replace said trees with the number of trees that would otherwise have been required.
- (2) Preservation of Existing Vegetation: Every attempt shall be made by the developer/applicant to preserve existing significant trees. When it is necessary to remove significant trees, the developer shall replace 12" caliper or larger deciduous trees with four (4) 3" caliper deciduous trees. Conifers 10' or taller shall be replaced with three (3) 6'-8' coniferous trees.

SUBCHAPTER 17-6: SIGNAGE REGULATIONS

Section 17.601 Purpose, Objectives and Jurisdiction.

- (1) **Purpose and Objectives:** The purpose of this ordinance is to regulate noncommercial, commercial and event signage with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and requirements. The Common Council, by enacting this ordinance, recognizes the City has a significant and substantial governmental interest in promoting public safety and aesthetic values through the regulation of signs displayed within the City of Oconomowoc. Sign regulations, including but not limited to those which control the type, design, size, location and safe construction, are hereby established to further the goals of safety and aesthetics and achieve more specifically, the following objectives:
- (a) To enable the public to locate goods, services and facilities without difficulty or confusion;
 - (b) To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment and preventing conditions which have undesirable impacts on surrounding properties;
 - (c) To promote the development of attractive and harmonious residential districts, viable commercial districts and to identify industrial and other uses;
 - (d) To protect the public and promote safety, including but not limited to traffic and pedestrian safety; and to minimize effects of signs which may distract or obstruct visibility of official traffic signals and other safety or informational devices; and
 - (e) To protect scenic views and the visual environment along all city streets, highways and rights-of-way and to promote overall aesthetics, avoid clutter and avoid inappropriate scale.
 - (f) To preserve the historically and architecturally unique character of the City.

Furthermore, the City of Oconomowoc advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

- (2) **Jurisdiction:** This ordinance shall apply to all signs in the City of Oconomowoc. However, this ordinance shall not be construed to amend or conflict with any other ordinances or applicable law governing official traffic signs or signals.

Section 17.602 Sign Application Review and Permitting.

- (1) **Approval Required:** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign or color be changed without a sign permit and conforming with the

provisions of this chapter, unless said sign is exempt from the sign ordinance requirements per Section 17.603.

- (2) Approval Process: Sign applications shall be filed with the City of Oconomowoc Planning Department, which shall review the application for its completeness, accuracy, design integrity, and material for construction. If the sign is approved, the Planning Department shall inform the Building Inspection Department within five business days. If the application is incomplete or the sign does not meet the requirements of this Subchapter 17-6, it may be appealed to the Architectural Commission who shall approve or deny the application within 45 business days of receipt from the applicant. In considering a sign permit, the Planning Department shall consider the following:
 - (a) The appearance, material for construction, location, lighting, height and size of the sign;
 - (b) Safety of operators of vehicles upon the adjoining streets and highways;
 - (c) The effect of the sign on property values within the immediate area; and
 - (d) The effect of such sign with respect to the scenic beauty of the vicinity in which the sign is proposed to be located.
- (3) Application: Application for a sign shall be made on forms provided by the Planning Department and must contain the following information:
 - (a) Name and contact information of the applicant and the property owner of the location of building, structure, or lot upon which the sign is to be attached or erected.
 - (b) Name of person, firm, corporation, or association erecting the sign.
 - (c) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed. If the property owner is the applicant, no written consent is required.
 - (d) A scaled drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
 - (e) A scaled colored copy of the proposed sign showing the exact color scheme is required. The City may accept a superimposed rendering of the site with the proposed sign(s).
 - (f) A scaled site plan indicating the location and position of such sign in relation to nearby buildings, landscaping, structures, public streets and rights-of-way.
 - (g) The applicant shall pay the applicable fee. The fee schedule is on file with the Planning Department. The fee shall be as from time to time determined by the Common Council.
 - (h) Additional information as required by the Planning Department or the City Plan Commission.
- (4) Architectural Commission Approval: At the discretion of the Zoning Administrator or upon request of the applicant, the Planning Department may forward sign permit applications to the Architectural Commission to approve the size, height, location,

lighting, materials for construction, and design integrity of selected proposed signage.

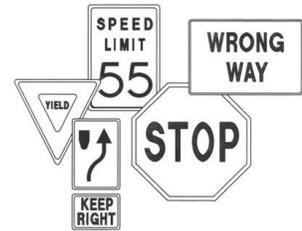
- (5) Special Exception: Proposed new signs or modifications to existing signs not in conformance with this Chapter shall require a special exception granted by the Architectural Commission. The sign application shall be forwarded to the Architectural Commission for special consideration and approval without a public hearing.
- (6) Appeals: An applicant may appeal a decision made by the Planning Department to the Architectural Commission. Appeals from the Architectural Commission shall be made to the Plan Commission.
- (7) Sign Permit Required: All approved sign applications shall apply for and receive a sign permit from the City Building Inspection Department prior to installation. Electrical permits shall be required for hardwired illuminated signs.

Section 17.603 Signs Allowed without City Review or Permit

- (1) No Permit Required: The following signs are permitted in all zoning districts without City review or permit, subject to the following and any other applicable regulations:
 - (a) Real estate signs: One real estate sign not exceeding twelve (12) square feet in area in all residential districts or 32 square feet in all other districts which acknowledges the sale or rental of the premises upon which the sign is temporarily located. In residential zoning districts, the property owner shall be allowed to place one sign on the property for sale. One additional off-premise open house sign may be located on property adjacent to the intersection of the street where the sale is to be held and the nearest arterial street on the day of the open house. Signs must be removed on the same day. Other than open house signs, no real estate sign shall be located in a street right-of-way. Signs that become a nuisance or create a vision problem will be removed by the City immediately. The property owner or real estate company shall be responsible for removing all signs no later than five days after the sale of the home or rental of the premises.
 - (b) Rummage sale and garage sale signs: One temporary rummage sale or garage sale sign not exceeding twelve square feet in area may be erected on the property having the sale. One additional off-premises garage sale sign may be located on property adjacent to the intersection of the street where the sale is to be held and the nearest arterial street on the day of the sale. Signs must be removed on the same day. Signs that become a nuisance or create a vision problem will be removed by the City immediately. Rummage sale and garage sale signs shall not be erected or placed within a public right-of-way.
 - (c) Portable/temporary signs: Portable / temporary signs such as banners, pennants, and/or for display purposes in any district, provided that no more than one temporary sign is allowed per property or per business on multi-tenant commercial sites; a portable sign shall not be located in any public right-of-way; shall not be internally illuminated, shall not be located closer than 10 feet to an adjacent property; shall not be over 24 square feet in area; will not extend over or onto any street, alley, sidewalk, or other public thoroughfare. Individual

signs shall be displayed for a maximum of 30 days and reflect a professional appearance. Trailers with changeable copy lettering shall be prohibited.

- (d) **Flags:** Flagpoles may display business name/logos in non-residential zoned districts. Flagpoles displaying business logos may be permitted as long as other flags are flying in conjunction with it. One logo flag of a company or business shall be allowed, provided that it is flown along with the American flag and shall not be larger than that flag and no larger than 32 square feet in size.
- (e) **Holiday decorations:** Holiday decorations may not contain a commercial message, shall not encroach upon the street right-of-way and decorations shall not cause a hazard to traffic or adjoining property.
- (f) **Official signs:** Official signs, such as traffic control, parking restrictions, and public building directional signs, may be erected and may encroach upon the street right-of-way, provided that such signs will not cause a hazard to traffic or adjoining property.
- (g) **Election campaign signs:** Election campaign signs may be erected, provided that permission is obtained from the property owner, renter or lessee prior to their placement and provided that such sign shall not be erected more than 60 days before and 10 days after an election. The total of all political signs on a lot shall not exceed 32 square feet. No election campaign sign shall be located in a street right-of-way or on public property.
- (h) **Window/Door signs:** Window or Door signs may be placed on the inside of buildings and shall not be flashing. Signs displayed inside buildings and inside of the glass shall not be subject to the limitations on the number of signs or count towards the business's maximum sign area. Window signs shall not exceed twenty-five (25) percent coverage of the total window area.
- (i) **Memorial signs:** Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure, including signs marking sites or buildings of historical significance.
- (j) **Light Pole Mounted Banners:** Light pole mounted banners shall comply with the following: one banner per light pole not to exceed 12 square feet in area; minimum ground clearance height of 6' as measured from adjacent grade to the bottom of the banner. Banners shall be maintained in good repair.
- (k) Temporary contracting business signs (painting, paving, landscaping, etc.) shall not exceed six square feet and shall be removed no later than five days following the completion of a project. No more than one sign may be placed on the property.
- (l) **Construction zones:** The temporary placement of directional signs within the public right-of-way by commercial establishments in construction zones for the purpose of identifying or showing the alternative access location of businesses affected by the construction. Placement of signs shall be at a point of barricade or detour. Signage shall not be placed in the travel portion of the road, block



vision, or operation of construction vehicles. The business shall coordinate with the Planning Department and Police Department for specific placement of the signage. The temporary signage shall be removed following completion of the construction project. This type of signage is subject to the following regulations:

1. Single businesses affected by the construction are permitted to have one temporary sign at the point of barricade or detour. The signage is not to exceed six square feet in area.
2. A building that contains four or more businesses is permitted to place one temporary sign at the point of barricade or detour for all businesses within the development affected by the construction. Signage for four or more businesses is not to exceed 32 square feet.
3. The City may remove signs that present a safety hazard or are located within the right-of-way.
4. The Planning Department may order sign removal if the sign is considered a safety hazard or impedes the progress of a construction project.
5. Signage may be removed at the discretion of the construction manager during individual phases of the construction project.
6. Portable trailer signs are prohibited.

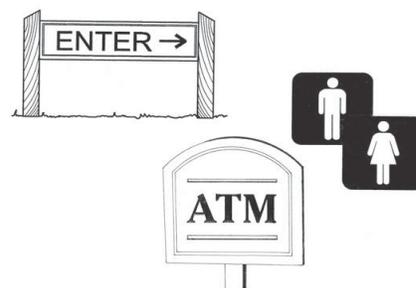
(m) **Temporary construction/development signs:** Temporary signs are permitted for projects with valid City approvals within the City of Oconomowoc. This type of signage is subject to the following regulations:

1. Number of signs: Up to two signs will be permitted per frontage on any parcel.
2. Size: Temporary construction/development signs shall not exceed 32 square feet in area and shall not exceed eight feet in height.
3. Duration: Temporary signs shall be removed following completion of construction project or upon the installation of a permanent sign for the development. For residential projects these signs shall be permitted to remain on the subject property until a time at which building permits have been issued for 80 percent or more of the lots or 80 percent of the units sold in the development.

(n) Home occupation and professional home office signs: One sign or nameplate to identify the approved business conducted on the property. Said sign shall not exceed two square feet in area and shall be mounted flush against the dwelling. The sign shall not be illuminated.

(o) Farm or rural estate sign: One sign identifying the farm or estate property on parcels not less than five acres in area may be permitted. The sign shall not exceed 20 square feet in area.

(p) Directional signs: Six square feet in area or less with a maximum height of four feet are allowed. Directional signs include, but are not limited to, those that read "enter," "exit," "shipping," and



"receiving." Company logos may be on directional signs, not to exceed one square foot per sign. There shall be a minimum setback of 3' from any property line.

- (q) Community Information signs: A sign which displays information of interest to the general community regarding scheduled public events and public activities. Signs shall be erected not more than 30 days prior to event and removed within 2 days following said event. Each property is allowed no more than one Community Information sign at one time. Signs shall not exceed 24 SF, nor have a maximum height exceeding 8 feet.
- (r) Sandwich Board / A-Frame signs: Sandwich Board / A-Frame signs shall not exceed three and one half feet (42 inches) in height and two and one half feet (30 inches) in width; shall not block the sidewalk. In the Downtown District area the sign shall be located on the brick paver area. Each business is allowed no more than one sandwich board sign advertising the business. Multi-tenant buildings are allowed one sign per 20 linear feet of building width, with a minimum separation of 10'. Sandwich board use shall be limited to advertising the on-site business. No off-premise business or event shall be advertised. Signs shall be non-illuminated and removed at the end of the business day.
- (s) Vehicle Signs: Provided they are attached to a vehicle not trailers and incidental to the primary use of the business. Vehicles with advertising shall only be allowed to park on the premise for said business that holds an approved occupancy permit. Vehicles must be "in-use", which is defined as using the vehicle for business use by moving the vehicle off site at least once per business day. Long term storage of vehicles with advertising shall not be allowed.

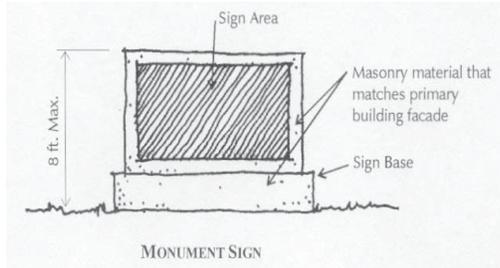


Section 17.604 General Provisions

- (1) Unused / Abandoned Signs:
 - (a) All unused signs that are also nonconforming with the provisions of this subchapter shall be removed from the premises upon which it is located within 30 days from the date of notice of violation.
 - (b) All unused signs that otherwise conform to the provisions of the sign ordinance and have a valid sign permit may remain on the premise for six (6) months following the conclusion or termination of the reason for the sign. The unused sign shall have the copy, text, icon or any other message delivering features removed within 30 days from the date of notice of violation.
- (2) Measurement of Signs: In calculating the area of a sign to determine whether it meets the requirement of this chapter, the Planning Department shall include the sign copy area, but not the border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly

shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

Measuring of Sign Area



Ground Sign



Wall Signs

(3) Location:

- (a) All signs shall be constructed / erected on the business property.
- (b) No sign shall be located within the vision clearance triangle.
- (c) No sign shall identify or direct attention to a business, activity, or enterprise that is not located on the same premises as the sign. Off-premises signs, except official signs, are prohibited in the City of Oconomowoc.
- (d) When required for safety, curbs, protective bumpers or planters shall be placed below signs to prevent damage from passing motor vehicles or pedestrians.

(4) Maintenance:

- (a) The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting to the same color, or replacement of a worn or damaged legally existing sign to its original condition. General maintenance does not require a sign permit. The owner shall also maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting for the same business which changes the name, size, color, face or location of a sign will not require a new sign permit.
- (b) The owner of any sign shall be required to have all parts and supports of a sign properly painted as directed by the Planning Department unless they are galvanized or otherwise treated to prevent rust and deterioration.
- (c) If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.
- (d) If the name of the business changes, the property owner shall be required to submit a new sign application.

Section 17.605 Non-Conforming Signs

(1) Existing Non-Conforming Signs:

- (a) Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming sign, and the provisions of this chapter shall apply to specific nonconforming rights.
- (b) Any legal nonconforming sign hereafter relocated, moved, reconstructed, extended, enlarged, changed (not including changing the sign face), altered, or modified by the owner's request shall be made to comply with the provisions of this chapter. Maintenance of non-conforming signs including changing the sign face of existing advertising areas, replacing light bulbs and painting is permitted. Non-conforming signs damaged by storm events or accidental shall be allowed to be reconstructed back to the degree of non-conformity as it was prior to the damaging event.

Section 17.606 Construction Standards

(1) General Standards:

- (a) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals or devices.
- (b) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility.
- (c) No person shall display upon any sign or other sign structure any obscene, indecent, or immoral copy.
- (d) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, relocated, or maintained so as to hinder or prevent free ingress or egress through any door, doorway, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the City, as necessity therefore may require.

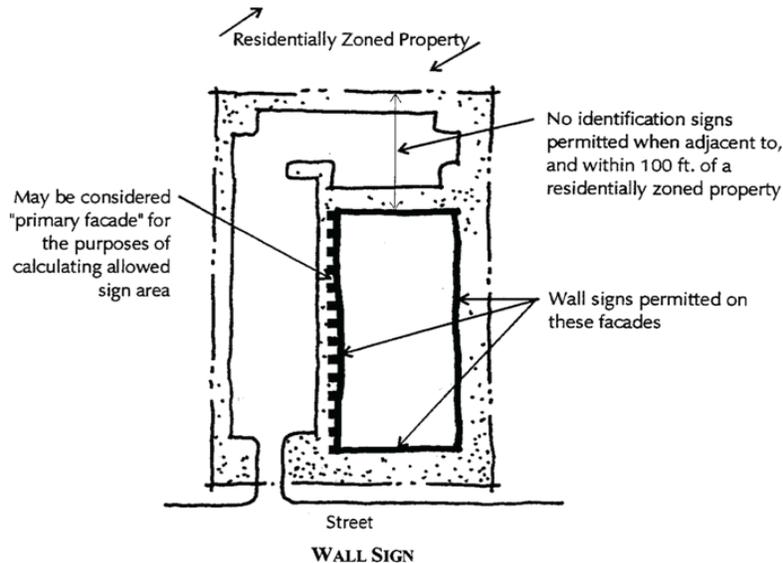
(2) Lighting:

- (a) Illuminated signs, other than digital reader boards displaying time and temperature, shall not be illuminated during non-business hours or beyond 10:00 PM, whichever is later.
- (b) No sign shall be lighted in such a way as to cause glare or impair driver visibility upon public ways or adjacent properties. If external illumination is approved by staff, the fixture shall be mounted on a permanent unmovable base and the neck so as to prevent the fixtures from being tampered with or redirected. The sources of a sign's illumination (bulb or direct lamp image) shall not be visible from any street, sidewalk or adjacent property.
- (c) Externally lit signs shall be lit with fully shielded fixtures.
- (d) Signs shall not flash, animate or blink other than approved LED devices. Sirens, strobe lights and other illuminated devices shall not be used to draw attention to a sign or business.

- (e) Signs located in the Downtown District, shall conform with the sign criteria detailed in Section 17.609(4).
- (3) Wind Pressure and Dead-Load Requirements: The applicant and installers shall ensure that all signs and other display structures shall be designed and constructed to withstand a minimum wind load of 80 miles per hour and snow load of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required by the Building Inspector pursuant to the City Building Code.
- (4) Landscaping: Freestanding signs shall be landscaped at their base. The plantings shall extend a minimum of one (1) foot beyond the edges of the sign. A landscape plan shall be reviewed and approved by the City Planning Department. Landscaping shall consist of shrubs, flowers, small trees or dry landscaping materials including, but not limited to, decorative rock, railroad ties, bark chips, and other decorative materials. The landscaping plan for permanent freestanding signs shall be approved at the time the sign application is approved.

Section 17.607 Sign Standards

- (1) Wall Signs or Building Signs: Wall signs or building signs shall be placed against the exterior walls of buildings; the total area of signage shall not exceed one and one half square foot in area for every one linear foot of building face width on which it is mounted; and shall not exceed the height or project beyond the building. There is no limit to the number of wall signs on a building; subject to the total sign area is not to exceed the allowance for said building. Multiple tenant buildings shall have a master sign plan approved identifying maximum areas for each tenant. No wall signs shall be permitted when adjacent to or within 100 feet of a residentially zoned property.



- (2) Marquee and Canopy Signs: Marquee and canopy signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign, provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee or canopy may extend up to 12 feet beyond the building to which it is affixed; however, it shall not extend closer than one foot to the

vertical plane formed by the curb line in a shopping center. A name sign not exceeding four square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy, provided that the name sign is at least eight feet above the sidewalk. The canopy sign shall be considered one of the two allowable signs. Upon consent of the Director of Public Works, canopies in the Downtown District may extend 4' into the public right-of-way and shall have a minimum clearance of 8' from the pavement grade.

- (3) Projecting Signs: Projecting signs are affixed to the building and project out. Projecting signs in the Downtown Area may project no more than 5' into the public right-of-way. The maximum area for projecting signs is 12 SF. The bottom edge of the projecting sign shall be mounted to provide a minimum clearance zone of 8' between the sign and ground elevation.
- (4) Monument / Ground signs:
 - (a.) All new signs and/or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. Arterials include Wisconsin Avenue, Summit Avenue, STH 67, I-94, Silver Lake Street, Valley Road, and Brown Street. Monument signs are also required within the Oconomowoc industrial parks.
 - (b.) The width of the sign base shall be adjusted to match the width of the sign box/sign panel. The sign base shall be a minimum of 18 inches tall. The monument sign shall not exceed eight feet in overall height above the mean lot grade and shall be entirely outside the sign setback line.
 - (c.) Monument signs shall not exceed 50 square feet in face area per side. The face area includes all surface area of the signage box and sign face but excludes the surface area of the signage base described.
 - (d.) Monument signs may be positioned either parallel or perpendicular to the public right-of-way and shall be set a minimum of 10' from the front lot line and 5' from other lot lines.
 - (e.) Address plaque or numbers shall be required on the monument base or incorporated onto the sign face and shall not be counted towards the overall signage area.

17.608 District Regulations

- (1) Residential Signs: Sign Regulations Applicable to the UR, RR, SR, TR, RML, RMH, IRM, and IRS zoning districts.
 - (a.) Signs shall comply with all provisions of the Municipal Code, including Sections 17.606 and 17.607 for general signage regulations and definitions.
 - (b.) Signs identified in Section 17.603 are allowed in residential districts without a permit, subject to meeting all established regulations. All signs not identified in Section 17.603, but allowed in the zones listed above shall obtain a sign permit prior to installation.
 - (c.) Rules for Particular Sign Purpose:

1. Identification Sign for multi-family dwelling, institutional use, or group development is allowed one monument and one wall sign, up to 32 SF each. Subdivisions are allowed one identification sign at each entrance not to exceed 32 SF in area, with a maximum height of 8'. The minimum required setback is 10 feet from front yard lot line and 5 feet from side yard lot line.
- (2) Non-Residential Signs: Sign Regulations Applicable to the GC, MC, BP, I, and IP zoning districts.
- (a.) Signs shall comply with all provisions of the Municipal Code, including Sections 17.606 and 17.607 for general signage regulations and definitions.
 - (b.) Signs identified in Section 17.603 are allowed in business, industrial and institutional districts without a permit, subject to meeting all established regulations. All signs not identified in Section 17.603 but allowed in the zones listed above shall obtain a sign permit prior to installation.
 - (c.) Rules for Particular Sign Purpose:
 1. Multi-tenant building signs are referred to in Section 17.609(3).
 2. Wall Sign – For single tenant buildings, one primary wall sign with a maximum area of one and one half square feet of signage for every linear foot of exterior wall length on the supporting wall, up to 50 square feet. One secondary wall sign up to 50 square feet is allowed on a different wall, subject to the wall containing a secondary entrance or facing a road or parking lot.
 3. Monument / Ground Sign – One free-standing monument/ground sign per lot. The maximum area permitted is one-quarter square foot of signage for every foot of public street frontage on the street the sign will be adjacent to, up to a maximum sign area of 50 square feet. The maximum height is eight feet. The minimum required setback is 10 feet from front yard lot line and 5 feet from side yard lot line. (*Amended Ordinance No. 13-O839 – adopted 1/15/13*)
 4. Marquee, Canopy or Projecting signs are allowed as detailed in Section 17.607(2) and (c) and may be substituted for the wall sign.

	Zoning Districts UR, RR, SR, TR, RML, RMH, IRM and IRS	Zoning Districts GC, MC, BP, I, and IP
Wall Signs Area	2 SF.	1.5 SF for every linear foot of wall length
Number	1	2 sign maximum
Setbacks	N/A	N/A
Height	N/A	On Building
Ground Signs		
Area	32 SF maximum for developments	50 SF maximum per side
Number	1 per development	1 per lot
Setbacks	10' minimum	10' front yard, 5' side yard
Height	8' maximum	8' maximum
Sandwich Boards	N/A	2.5' x 3.5' max. size

17.609 General Sign Regulations:

- (1) Time-and-Temperature, LED Devices and Changeable Copy Signs:
 - (a.) Shall not exceed 25% of the total sign area and the area devoted to the changeable display shall be counted towards the total sign area.
 - (b.) Shall not change more frequently than once every thirty (30) seconds.
 - (c.) Shall not be displayed during non-business hours, unless the sign is a time and temperature sign.
 - (d.) Shall not exceed more than three (3) lines of text.
 - (e.) Text lines must be at least four (4) inches in height.
 - (f.) Shall consist of letters and numbers only.
 - (g.) Animated, flashing, multi-colored displays or similar types are prohibited.
 - (h.) Time and temperature displays are permitted so long as the display changes no more frequently than once every six (6) seconds.
 - (i.) All electronic LED signs and Changeable Copy Signs shall be approved by the Architectural Commission.
- (2) Number of signs:
 - (a.) Buildings occupied by a single business are allowed wall signage in accordance with Section 17.608. In addition, businesses outside the Downtown area, may erect one ground sign. Businesses with multiple street frontages and buildings exceeding 40,000 square feet may submit an application to the Planning Department for one additional wall sign. The building must meet both criteria for minimum building size and multiple street frontages.
 - (b.) All multi-tenant buildings with four tenants or more may provide a wall sign tenant directory up to 8 square feet that shall not count towards the wall signage.

- (c.) Separate individual channel lettering wall or canopy or fascia signs may be allowed for each tenant in a retail, shopping, industrial or commercial center, subject to the approval of an overall coordinated sign plan by Planning staff for the building. Size of wall signs approved in this manner shall be figured using the width of the bay occupied by each tenant.
 - (d.) Large developments, including single or multiple buildings with a cumulative size of over 40,000 square feet, may have an additional ground or wall sign to identify the development, subject to an application being filed and approved by the Architectural Commission.
 - (e.) Price signs for gasoline or diesel fuel sales as required by law shall not be subject to limitations on numbers of signs; however, such price signs shall not exceed 32 square feet in area.
- (3) Overall Coordinated Sign Plan:
- (a.) Master Sign Plan: All multiple tenant buildings shall be required to submit a coordinated master sign plan to the Architectural Commission for approval. The intent of the master sign plan is to set forth a theme for the placement, lettering style, color, construction, material and related design considerations of signs, while at the same time minimizing sign confusion and clutter. All owners, tenants and subtenants shall comply with the approved Master Sign Plan. The Master Sign Plan may exceed the permitted number and size of signs allowed, per the discretion of the Architectural Commission.
 - (b.) Master identification sign: The overall coordinated sign plan shall permit multiple-tenant buildings with more than four tenants to have one freestanding monument sign identifying the name of the commercial center as a master identification sign. The master identification sign can display up to four tenants, provided that it is a four-tenant-or-less building.
 - (c.) Wall signs: The overall coordinated sign plan shall permit multiple-tenant buildings to have a single wall sign for each approved business located on the building. In addition to the wall sign, the business name may be placed on a single master identification monument sign.
- (4) Downtown Signage Design Criteria: Signs in the Downtown Area as determined by the Planning Department shall be in conformance with the following:
- (a) Downtown signs shall not be internally illuminated.
 - (b) Sign shall not conceal significant architectural features.
 - (c) Sign lighting shall not overpower the façade or streetscape.
 - (d) Flashing signs, external neon and plastic signs shall be prohibited.
 - (e) The sign shall complement the building character.
 - (f) Sign messages shall be unified with coordinated colors and lettering styles.
 - (g) Signs shall be constructed with long-lasting materials, high quality enamel paints and decay-resistant woods.
 - (h) Obsolete signs shall be removed in a timely manner. After a business activity concludes, the business owner and / or property owner is responsible for removal of all signs.
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- (i) The scale of signage should be proportional to smaller buildings in the Downtown Area and be consistent with the pedestrian environment.
 - (j) Canopies in the Downtown area shall not be internally illuminated. Canopies with translucent materials shall be prohibited.
- (5) Prohibited Signs: The following signs are prohibited within the City:
- (a) Off-Premise Advertising signs
 - (b) Pole signs
 - (c) Roof signs
 - (d) Billboards
 - (e) Inflatable devices
 - (f) Pennants and streamers
 - (g) Search lights or beacons
 - (h) External neon signs
 - (i) Fluttering signs
 - (j) Trailer mounted signs
- (6) Enforcement: In order to achieve the general purpose and objectives of the Sign Ordinance, it is necessary to remove all signs that are illegal, nonconforming, prohibited and unused. Each such classification of signs involves a varying level of impact upon the general purpose and objectives of the Sign Ordinance.
- (7) Sign Removal: (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) Any sign and its supporting structure determined to be in violation of the Sign Code shall be removed within a time period established by the City Planning Department, unless the City Planning Department determines that such sign qualifies as a nonconforming sign. If such signs are not removed from the premises by the owner, user, or property owner following the time period established by the City Planning Department, such signs shall be subject to removal by the City Planning Department or his/her designee. The existence of any prohibited or illegal sign shall also be considered a violation of the provisions of the sign code and shall be subject to penalties.
- (8) Compliance: A business or property that has legal signage that does not meet the requirements of the Sign Ordinance shall be allowed to keep the legal non-conforming signage. If an applicant or property owner requests new signage (other than sign face replacements), the new signage shall meet all requirements of the sign ordinance.
- (9) Penalty: Any person who violates any provision of this chapter or does not comply with the City approval shall be subject to a penalty as provided in Section 25.04 of the Municipal Code. Each day a violation exists constitutes a separate violation and is punishable as such.

Section 17.610 Definitions

The following definitions shall be used by this Subchapter to assist in the establishment of clear cut signage regulations. In general, Sign Types refers to the style of the sign. Sign Purposes refer to where or how a sign is used. Sign Measurement explains how the dimensions of a sign are determined.

- (1) **Sign:** Any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational, and structural types of signs are listed in this Section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Chapter.)
- (2) **Canopy Sign:** A type of projecting, on-building sign consisting of a fabric or fabric-like sheathing material.
- (3) **Changeable Copy Sign:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. Such signs are also referred to as “electronic message boards” or “time and temperature devises.” A changeable copy sign can be a wall sign, projecting sign or freestanding sign.
- (4) **Community Information Sign:** A sign which may have changeable copy and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities.
- (5) **Directional Off-Premise Sign:** A sign which indicates only the name, direction, and/or distance of a governmental facility. This definition does not pertain to off-premise advertising signs.
- (6) **Directional On-Premise Sign:** A sign which indicates only the name, logo (if under one square foot), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.
- (7) **Freestanding Sign:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs and ground signs. The base and support(s) of any and all freestanding signs shall be concealed and shall comply with the State Building Code.
- (8) **Gasoline Pricing Sign:** Wisconsin Statutes require that all sellers and distributors of motor fuel shall post in a conspicuous place and on every pump the net selling price per gallon of such motor fuel. The price display on a motor fuel sign is exempt from the size limitations on a freestanding or wall sign. The exemption shall apply only to fuel prices, and not to brand names and logos, or to special sales of not-fuel

- products. The exempt area on any pricing sign shall be limited to no more than 32 square feet.
- (9) **Identification Sign:** A sign indicating the name and/or address of the project, property owner, tenant and/or manager of the property, address, and name and phone number of the property manager.
- (10) **Marquee Sign:** A type of projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.
- (11) **Monument Sign:** A type of freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than eight feet high.
- (12) **Multiple Tenant Sign:** A building with more than one business that has gained approval from the City.
- (13) **Off-Premise Sign:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards. No new off-premise advertising signs shall be permitted within the City.
- (14) **Projecting Sign:** A type of on-building sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.
- (15) **Temporary Sign:** A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer.
- (16) **Vision Clearance Triangles:** The area formed by measured along the property line on corner lots for a distance of 15' in each direction along each right-of-way line and connected by a hypotenuse to form a triangle. No signs in excess of 30 inches in height shall be allowed in the vision clearance triangle area.
- (17) **Wall Sign:** A type of on-building sign mounted parallel to a building façade or other vertical building surface.
- (18) **Window Sign:** Any sign placed inside or upon an interior window surface, or painted directly upon a window, and which is usually intended to be seen from the exterior.

SUBCHAPTER 17-7: PLAN COMMISSION, ARCHITECTURAL COMMISSION, ZONING BOARD OF APPEALS, AND ZONING ADMINISTRATOR

Section 17.701 Purpose of Administrative Commissions, Boards and Administrators

The purpose of this Subchapter is to establish the functions of the Plan Commission, Architectural Commission, the Zoning Board of Appeals, and the Zoning Administrator.

Section 17.702 Plan Commission

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the planning and development of the City to the Common Council, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this Code as to various matters, and, always, being mindful of the intent and purpose of this Code. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

Section 17.703 Architectural Commission

The purpose of the Architectural Commission is to promote compatible development, promote stability of property values, to foster the attractiveness and functional utility of the community as a place to live and work, to preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance, to protect certain public investments in the area, and to raise the level of community expectations for the quality of its environment. To this end, architectural design principles are established in this Code as criteria for the Architectural Commission reviews. The Architectural Commission shall not review single-family and two-family projects, unless located in an isthmus zoning district. In all zoning districts, except the MC, IRM, and IRS Districts, the Architectural Commission shall approve or deny all new buildings or additions greater than 5,000 square feet. In the MC District, the Architectural Commission shall approve or deny all exterior building changes, including but not limited to façade/roof changes, all additions and new construction (no size limitation). In the IRM and IRS Districts, the Architectural Commission shall approve or deny all new construction and major renovations (which in the opinion of the Zoning Administrator are significant).

- (1) **Appeals:** Any person aggrieved by a decision of the Architectural Commission shall have the right to appeal such decision to the Plan Commission provided such appeal is taken within 30-days of the final action of the Architectural Commission.

Section 17.704 Zoning Board of Appeals

The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances, appeals, and interpretations of the provisions of this Zoning Ordinance.

- (1) **Establishment and Membership:** A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the Common Council, for three (3) years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing before the Common Council. The Mayor shall designate one of the members chairman. The Mayor shall appoint subject to confirmation of the Board for staggered terms of three (3) years, two alternate members of such board, in addition to the five members above provided for. The Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the Third Tuesday in April. Terms of office shall commence the first day of May. The City Clerk, or designee, shall serve as Secretary of the Board. The Board of Appeals may employ other employees.
- (2) **Organization:** The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson, and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence an elected Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the City Clerk's office, and shall be a public record.
- (3) **Powers:**
 - (a) The Board of Appeals shall have the following powers:
 1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 2. To hear and act upon applications for variances from the terms provided in this Ordinance.
 3. To hear and act upon all other matters referred to it upon which it is required to act under this Ordinance.

4. (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) To establish time limits for variances to commence and time limits for variances to be completed.
 - (b) In exercising the above listed powers, the Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. If a quorum is present, the members of the Board of Appeals may reverse any order, requirement, decision, or determination appealed from, or decided in favor of the applicant on any matter on which it is required to pass, by a majority vote of the members present.
 - (c) In addition to the foregoing powers, the Board of Appeals shall have the following specific powers:
 1. The Board of Appeals shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
 - (d) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.
- (4) **Appeals:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officers. Such appeal shall be taken within a time, as provided by the rules of the Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Common Council. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Board of Appeals shall fix a time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time.
- (5) **Review by Court of Record:** Any persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board of Appeals.

Section 17.705 Zoning Administrator

- (1) **Designation:** The Zoning Administrator, or such other person as may be designated by the Common Council, is hereby designated as the administrative and enforcement officer for the provisions of this Code and is also herein referred to as the Zoning Administrator. The duty of the Zoning Administrator is to interpret and administer this Zoning Ordinance and to issue all permits required by this Ordinance.

- (2) **Duties:** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
- (a) Determine that all Site Analyses, Building Permits, Occupancy permits, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
 - (b) Conduct (or request that the Building Inspector or Fire Department conduct) inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he/she is refused entry after presentations of identification, he/she may procure a special inspection warrant in accordance with Wisconsin Statutes 66.0119. Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (d) Provide staff assistance to the Common Council, Plan Commission and Zoning Board of Appeals as may be required.
 - (e) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefore.
 - (f) Receive, file and forward all applications for all procedures governed by this Chapter to the designated official bodies.
 - (g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him/her.
 - (h) Institute, in the name of the City, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
 - (i) Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.
 - (j) Where useful, the Zoning Administrator, or his/her agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.
 - (k) Request assistance and cooperation from the Building Inspector, Director of Public Works, City Engineer, City Fire Department, City Police Department and City Attorney as deemed necessary.
 - (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the City's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Common Council may set fees necessary to recover the cost of providing information to the public.
 - (m) Make interpretations regarding the provisions of this Chapter.

- (n) Grant minor variations from the dimensional (setback, height, and area) requirements of this Ordinance; up to a maximum variation of 5% for setbacks and height limitations; and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

SUBCHAPTER 17-8: PROCEDURES AND ADMINISTRATION

Section 17.800 Purpose of Procedural Regulations

The purpose of this Subchapter is to establish the procedural requirements for zoning text amendments, zoning map amendments, planned development or other overlay district applications, design review and approval, conditional use review and approval, temporary use review and approval, sign permits, variances, special exceptions, and appeals of the Zoning Administrator.

Section 17.801 Standard Procedural Regulations

The following procedural requirements shall apply to all procedural regulations of this Subchapter, except variances and appeals of the Zoning Administrator Interpretations, unless stated otherwise:

- (1) **Consolidated Applications and Review:** Multiple applications for the same development proposal may be consolidated for submittal and review, depending on the complexity of the proposal, as required by the City.
- (2) **Pre-Application Conference:** All items requiring Plan Commission review and approval require a pre-application conference with City Staff. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and City Staff with the applicable provisions of this Zoning Ordinance, the Comprehensive Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal. The applicant shall request a pre-application conference with the Planning Department. With the request for a pre-application conference, the applicant shall provide the Planning Department a description of the character, location and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for Staff to make informal evaluations regarding the proposed project.
 - (a) **Pre-Application Conference Content:** The Planning Department shall schedule a pre-application conference. At the conference, the applicant, the Planning Department or designee, and any other persons the Planning Department deems appropriate to attend shall discuss the proposed development and the applicable requirements of this Zoning Ordinance, based upon the information provided by the applicant.
 - (b) **Record of Pre-Application Conference:** The City shall be responsible for recording a summary of topics discussed at the pre-application conference.
 - (c) **Informal Evaluation Not Binding:** The informal evaluation by City Staff provided at the conference is not binding upon the applicant or the City, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

- (d) Application Required Within Six (6) Months: After a pre-application conference has been completed, the associated application must be filed within six (6) months or sooner. If an application is not filed within such timeframe, a new pre-application conference shall be required prior to filing an application.
- (3) **Application Fees**: A fee, as may be determined by the Common Council, is required for development applications.
- (4) **Forms of Application**: Applications for procedures/developments under this Subchapter shall be submitted in a form as required by the Planning Department. Applicants shall be informed in writing by the City Planner if an application is incomplete.
- (5) **Development Review Fee – Recovery of Costs**: The City Planner, City Engineer and City Attorney, and other City staff, may expend time in the investigation, reviewing and processing applications. In addition to City staff involvement, the City may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, environmental specialists, and recreation specialists in the administration, investigation and processing of such matters. Any person, firm or corporation requesting action by the City on any and all applications shall reimburse the City for Staff time expended in the administration, investigation and processing of applications for such amendments and the cost to the City charged by any professional consultant retained by the City on any such matter. Notice shall be provided to the property owner or representative of the property owner informing them of the City policy on reimbursement costs.
- (6) **Minor Amendments**: Unless otherwise specified in this Ordinance, minor amendments to any permit or other form of approval issued by the Zoning Administrator, Architectural Commission, Plan Commission, or Common Council under this Subchapter may be approved, approved with conditions, or denied administratively by the Zoning Administrator, and may be authorized without additional public hearings or reviews. Such minor amendments may be authorized by the Zoning Administrator as long as the development approval, as so amended, continues to comply with the standards of the Zoning Ordinance, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Zoning Ordinance by reason of such amendments). Minor amendments shall consist of any of the following:
- (a) Any change to any permit or other form of approval that was originally subject to final review by and was approved by the Zoning Administrator, Architectural Commission, Plan Commission or Common Council, provided that:
1. The minor amendment does not result in an increase in the approved number of dwelling units;
 2. The minor amendment does not result in a greater than five (5) percent cumulative increase in the amount of square footage of a non-residential land use or structure;
 3. The minor amendment does not result in a change in the housing mix or use mix ratio.

4. The minor amendment does not result in a change in the character of the development as determined by the Zoning Administrator.
- (7) **Major Amendments:** Amendments to any permit or other form of approval that are not determined by the Zoning Administrator to be minor amendments shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment was sought.
- (8) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (9) **Posted Notice:** (*Amended Ordinance No. 13-O839 – adopted 1/15/13*) In addition to the notice requirements of the Wisconsin Statutes, whenever this Zoning Ordinance requires notice of a public hearing before the Plan Commission, the Zoning Administrator shall create and place notification signs on the subject property a minimum of seven (7) days prior to the Plan Commission hearing.
- (a) A minimum of one (1) sign shall be placed on each street frontage. Property with multiple street frontages shall have the required sign on each street. Signs shall be placed in a visible, unobstructed location near the property line. In instances where an existing building is on the front property line, the sign may be placed in a front, street-level window or in the window of a door.
- (b) Groups of property adjacent to one another that are being considered under the same petition shall only be required to post a single sign unless directed otherwise by the Zoning Administrator.
- (c) The notification sign shall be left in place until final action is taken on the request for approval, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check the sign locations to verify that the signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the Zoning Administrator of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.
- (10) **Occupancy:** Prior to the occupancy or use of a property granted approvals under the procedures of this subchapter, said use or structure shall conform to the approved plans unless stated otherwise.

Section 17.802 Zoning Ordinance Text Amendments

- (1) **Purpose:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Chapter.
- (2) **Initiation of Request for Amendment to the Zoning Ordinance:** Proceedings for amendment of this Chapter may be initiated by any one of the following methods:
- (a) Application by any member of the general public;

- (b) Application by any member of City Staff
 - (c) Application of the Mayor;
 - (d) Recommendation of the Plan Commission; or
 - (e) Action of the Common Council.
- (3) **Pre-Application Conference (As required by Section 17.801(2))**
- (4) **Application Requirements:** Following the pre-application conference, the applicant shall submit an application and necessary supplemental information to the Zoning Administrator. Prior to the submittal of the Class II Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City with the complete application. Said complete application shall be comprised of all of the following:
- (a) A completed application.
 - (b) A copy of the portion of the current provisions of this Chapter which are proposed to be amended;
 - (c) A copy of the text which is proposed to replace the current text;
 - (d) Written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is consistent with the objectives, goals, and policies of the City's Comprehensive Plan;
- (5) **Review by the Zoning Administrator:** The proposed text amendment shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application. The Zoning Administrator shall evaluate the application to determine whether the request is consistent with the objectives, goals, and policies of the City's Comprehensive Plan, and with the standards below:
 1. How does the proposed text amendment further the purposes and intent of this Zoning Ordinance?
 2. How does the proposed text amendment further the purposes of the general Subchapter in which the amendment is proposed to be located?
 3. Which of the following factors have arisen that are not properly addressed in the current zoning text:
 - a. The provisions of this Ordinance should be made consistent with the Comprehensive Plan;
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
 - d. Changing governmental finances require amending this Ordinance in order to meet the needs of the government in terms of providing and affording public services.

4. If the proposed text amendment is concerned with the provisions of land uses or intensity, how does the proposed amendment maintain the desired overall consistency of land uses, density, land use intensities, and land use impacts within the pertinent zoning districts?
 - (b) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review and use in making its recommendation to City Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (6) **Review and Recommendation by the Plan Commission:** The City Council shall not make an amendment to the Zoning Code without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
 - (a) The Zoning Administrator shall schedule a reasonable time and place for a public hearing to consider the application within 60 days after the acceptance of the complete application as determined by the Zoning Administrator. Notice of the proposed amendment and the public hearing shall conform to the requirements of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten (10) days before said public hearing, the City Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a recommendation to the City Council stating its findings and its recommendations regarding the application as a whole. Said recommendation shall include a formal finding of facts developed and approved by the Plan Commission.
 - (c) If the Plan Commission fails to make a recommendation within 60 days after the filing of said complete application (and in the absence of an applicant approved extension), then the City Council may initiate action within 30 days after the expiration of said 60 day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or actions of City Council.
 - (d) If the Plan Commission recommends approval of an application, it shall state in the minutes its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh all potential adverse impacts of the proposed amendment after taking into consideration the proposal by the applicant.
- (7) **Review and Action by Common Council:** The Common Council shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the applicant.

- (a) The Zoning Administrator shall schedule a reasonable time and place for a public hearing to consider the application within 60 days after a recommendation by the Plan Commission. Notice of the proposed amendment and the public hearing shall conform to the requirements of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten (10) days before said public hearing, the City Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the City Council), the City Council shall take action on said application. If action is not taken within 90 days by the City Council, and no extension is granted, the application shall be approved.
- (c) If the City Council recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion.
- (d) The City Council may take final action on the application at the time of its initial meeting, or may continue the proceedings at the Applicant's request. City Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the City Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in the Wisconsin Statutes shall be followed prior to Council action. Any action to amend the provisions of the proposed amendment requires a majority vote of the Council. The City Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

Section 17.803 Amendment of Official Zoning Map

- (1) **Purpose:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map.
- (2) **Initiation of Request for Amendment to Official Zoning Map:** Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following methods:
 - (a) Application by the property owner;
 - (b) Application by any member of City Staff;
 - (c) Application of the Mayor;
 - (d) Recommendation of the Plan Commission; or
 - (e) Action of the Common Council.
- (3) **Pre-Application Conference (As required by Section 17.801(2))**

- (4) **Application Requirements:** Following the pre-application conference, the applicant shall submit an Applications and necessary supplemental information to the Zoning Administrator. Prior to the submittal of the Class II Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City the complete application. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property, including legal description, to be rezoned showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its surroundings. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map of the generalized location of the subject property in relation to the City as a whole; and
 - (c) Written justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is consistent with the objectives, goals, and policies of the City's Comprehensive Plan.
- (5) **Review by the Zoning Administrator:** The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment. The Zoning Administrator shall also evaluate the application to determine whether the requested is consistent with the objectives, goals, and policies of the City's Comprehensive Plan, particularly as evidenced by compliance with the standards below:
 - 1. How does the proposed map amendment further the purposes and intent of this Zoning Ordinance?
 - 2. Which of the following factors have arisen that are not properly addressed on the current Official Zoning Map?
 - a. The designations of the Official Zoning Map should be made consistent with the Comprehensive Plan;
 - b. A mistake was made in mapping on the Official Zoning Map.
 - c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different district;
 - d. Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
 - 3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

- (b) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review in the making its recommendation to City Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (6) **Review and Action by the Plan Commission:** The Common Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 60 days of acceptance of the complete application by the Zoning Administrator. Notice of the proposed amendment and the public hearing shall conform to the requirements of §62.23(7)(d), Wisconsin Statutes. Said notice and posted notice (see 17.801(9)) shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) Within 60 days after the public hearing, the Plan Commission shall make a recommendation to the City Council regarding the application as a whole.
- (c) If the Plan Commission fails to make a recommendation within 60 days after the filing of said complete application, then the City Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or actions of City Council.
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes its conclusion and any facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh all potential adverse impacts of the proposed amendment after taking into consideration the proposal by the Applicant.
- (7) **Review and Action by Common Council:** The Common Council shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Council may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Council may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings at the Applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, public comments, or its own members) or may deny approval of the proposed amendment. If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in the §62.23(7)(d), Wisconsin

Statutes shall be followed prior to Council action. Any action to amend the Official Zoning Map requires a majority vote of the Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

Section 17.804 Planned Development District Procedures

(1) Purpose

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of Planned Developments, and to provide for the possible relaxation of certain development standards.
- (b) Planned Developments are intended to allow exemptions and modifications for redevelopment areas within the community, and for mixed use developments. Furthermore, planned developments are intended to forward both the aesthetic and economic development objectives of the City by controlling the site design and appearance, the mix of uses, and the density and intensity of development. The planned development shall require a demonstrably higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required.
- (c) If allowed to develop simply under the general requirements of this Chapter, planned developments have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case-by-case basis. In order to prevent said undesirable impacts, all Planned Developments are required to follow certain procedural requirements applicable only to Planned Developments, in addition to the general requirements of this chapter and the underlying zoning district.
- (d) The Planned Development District may also be used to accommodate the development or redevelopment of parcels consistent with the design principals of traditional neighborhoods and conservation subdivisions. Traditional neighborhood design means the compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other. A conservation subdivision means a housing development in a setting that is characterized by compact lots and common open spaces and where natural features of land are maintained to the general extent possible. Such proposed developments may be considered for approval at locations determined by the City which would include appropriate conditions. The model Ordinance for traditional neighborhood development published by the University of Wisconsin Extension shall serve as a nonexclusive guide to assist in defining various aspects of this form of urban design along with such other sources of guidance that the Plan Commission and Common Council may choose to consult.

(2) Development Standards for Planned Developments:

- (a) **Permitted Location:** Planned developments shall be permitted with the approval of a Planned Development District, specific to the approved Planned Development, within all zoning districts.
 - (b) **Development Standards:** Exemptions to the development standards may be provided with the approval of a Planned Development:
 - (c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the approved Planned Development, shall be permitted, even if such development is otherwise listed as permitted in this Chapter. Requested exemptions from any standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the City Council. If not so requested and approved, such exemptions shall not be permitted.
- (3) **Initiation of Request for Approval of a Planned Development:** Proceedings for approval of a Planned Development shall be initiated by
- (a) Application by the property owner.
- (4) **PD Process Step 1: Pre-Application Conference (As required by Section 17.801(2))**
- (5) **PD Process Step 2: Concept Plan (Optional)**
- (a) The Applicant may provide the Zoning Administrator with a draft PD Concept Plan for Plan Commission and Common Council review. This submittal packet may contain all of the following items:
 - 1. A location map of the subject property and its vicinity;
 - 2. A general written description of proposed PD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. the general treatment of natural features;
 - e. the general relationship to nearby properties and public streets;
 - f. the general relationship of the project to the Master Plan;
 - g. an initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply.
 - 3. A conceptual plan drawing of the general land use layout and the general location of major public streets and/or private drives.
 - (b) Once the Zoning Administrator has received a complete submittal, the proposed PD Concept Plan shall be placed on the Plan Commission agenda.
 - (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PD.

- (d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
- (e) The Plan Commission may make a finding that the tentative planned development project is consistent with the City's adopted plans and give the development a "preliminary favorable opinion," but such opinion is not required. The applicant may also be scheduled to present the PD concept plan at a Common Council meeting.

(6) PD Process Step 3: General Development Plan (GDP)

- (a) The Applicant shall provide the Zoning Administrator with a draft GDP Plan Submittal for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
 - 1. A location map, including legal description, of the subject property and its vicinity;
 - 2. A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - 3. A general written description of proposed PD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. the general treatment of natural features;
 - e. the general relationship to nearby properties and public streets;
 - f. the general relationship of the project to the Master Plan,
 - g. a Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
 - h. a complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply shall be identified. Significant public benefits shall be a consideration in the GDP approval. "Green field" planned developments (as opposed to redevelopment sites) shall show significantly greater public benefits. Also, the greater the extent of modifications and exemptions, the greater the public benefit should be demonstrated.
 - i. a written description of potentially requested exemption from the requirements of the underlying zoning district.

- j. if the PD proposes a development of mixed compatible uses, a statement setting forth how the mix of uses will serve to implement the City's adopted comprehensive plan, or a specifically adopted component of the comprehensive plan and the purposes of zoning ordinance shall be required.
4. A General Development Plan drawing at a minimum scale of 1"=100' of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - a. a conceptual plan drawing of the general land use layout and the general location of major public streets and/or private drives.
 - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans.
5. A general conceptual landscaping plan for the subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Chapter and the use of extra landscaping.
6. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
7. Written justification for the proposed Planned Development, including:
 - a. How is the proposed PD (in general) consistent with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, and in harmony with the Zoning Ordinance, and any other plan, program or ordinance of the City?
 - b. How is the proposed PD (in its specific location) consistent with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, and in harmony with the Zoning Ordinance, and any other plan, program or ordinance of the City?
 - c. Does the proposed PD result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property of rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed?
 - d. Does the PD maintain a desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings of the

- proposed PD?
- e. Is the PD in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the property?
 - f. Do the public benefits of the proposed PD outweigh any potential adverse impacts of the PD after taking into account the public benefits?
8. All planned developments which result in the new construction of buildings, façade changes, or any architectural modification to a building shall be reviewed by the Architectural Commission prior to the planned development being reviewed by the Plan Commission. The Architectural Commission shall provide a recommendation to the Plan Commission.
 9. A public hearing shall be held before the Plan Commission.
 10. Following the public hearing, the Plan Commission shall make written findings regarding whether the developer has favorably complied with the findings listed in this Section and shall recommend approval, modification, or denial of the proposed planned development. The Plan Commission shall determine whether the public benefit to the City will equal or exceed the exemptions requested by the applicant.
 11. Upon favorable finding(s) by the Plan Commission, a draft PD ordinance shall be prepared for consideration by the Common Council.
 12. The Common Council shall consider comments and recommendations made by the Plan Commission regarding the public benefit to the City and conformance to the adopted Comprehensive Plan and adopted economic development plans. A public hearing on the proposed GDP shall be held before action on the GDP is taken by the Common Council.
 13. The applicant shall submit proof of financing capability pertaining to the construction and maintenance and operation of public works elements of the proposed development.
 14. All portions of an approved PD/GDP shall be developed within a time period specified by the Common Council. The Common Council may extend the time period of a planned development after a public hearing at the Plan Commission, and recommendation from the Plan Commission.

(7) Implementation of Planned Developments:

- (a) The implementation of planned developments including the construction of buildings, infrastructure, landscaping, and other site plan improvements will be reviewed and approved by the City to ensure conformance with the approved general development plan. The approval process for planned developments is required to follow the development review procedural requirements of this Sub-Chapter.

(8) Amendments to Planned Developments:

- (a) Minor Amendments: As determined by the City Planner, minor changes and amendments to a planned development shall be administratively approved by the City Planner. Minor changes can include changes to building façade or site plan that are deemed insignificant and immaterial.
- (b) Major Amendments: As determined by the City Planner, major amendments to planned developments shall be processed and reviewed as a new general development plan.

Section 17.805 Design Review

(1) Purpose

- (a) The purpose of the design review process is to ensure compliance with the development and design standards of the Zoning Ordinance prior to the issuance of a building permit or concurrent with other required permits and to encourage quality development reflective of the goals and objectives of the Comprehensive Plan.

(2) Applicability: Design review is required for:

- (a) All non-residential development;
- (b) All new multi-family residential development including townhomes, and apartments;
- (c) Any change of use from one primary use classification to another (for example, residential use to commercial use);
- (d) Any expansion of existing development, not including single-family or duplex dwellings; and
- (e) All publicly owned and operated buildings.
- (f) *(Per Ordinance No. 17-O919, Adopted August 8, 2017)* Any accessory structure within the IRS (Isthmus Residential Single) or the IRM (Isthmus Residential Multi-Family) zoning districts that do not comply with the established residential zoning requirements for accessory structures.

(3) Types of Design Review

- (a) Administrative Design Review: The following types of projects may be approved by the Planning Department through the Administrative Design Review Process:
 - 1. Any expansion of an existing development, not including single-family or duplex dwellings, or new construction that results in a building footprint not exceeding 5,000 square feet. The changes may also include façade changes and exterior alterations.
- (b) Major Design Review: Any development, with exception of single-family detached or duplex dwellings, that exceed the size threshold for Administrative Design Review approval shall require approval by the Architectural Commission and Plan Commission. For properties zoned Mixed Commercial (MC), all exterior building changes, include façade/roof changes, building additions and new construction, regardless of the size, shall be reviewed and approved by the

Architectural Commission. In the IRM and IRS Districts, the Architectural Commission shall approve or deny all new construction and major renovations (which in the opinion of the Zoning Administrator are significant).

- (4) **Procedure for Administrative Design Review:** The following procedures shall apply to Administrative Design Reviews:
- (a) Pre-Application Conference (As required by Section 17.801(2))
 - (b) The Zoning Administrator shall review each Administrative Design Review application based on the approval criteria listed below and shall act to approve, approve with conditions, or deny the application. The Zoning Administrator also may refer the decision to the Architectural Commission and Plan Commission to be processed under the Major Design Review Procedure.
 - (b) Approval Criteria: The Zoning Administrator shall approve an Administrative Design Review application if all of the following are met:
 - 1. The development plan complies with all applicable development and design standards set forth in this Zoning Ordinance;
 - 2. The development plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable; and
 - 3. The development plan is consistent with the Comprehensive Plan and other adopted City policies, including adopted transportation, neighborhood, and redevelopment plans; and
 - 4. The development plan will not substantially alter the basic character of the surrounding area or jeopardize the development or redevelopment of the area.
 - (c) Lapse of Approval: The design review approval shall be effective for a period of two (2) years from the date of approval, unless stated otherwise. Building permits shall not be issued based on design review approvals that have an approval date of more than two (2) years old.
- (5) **Procedures for Major Design Review:** The following procedures shall apply to Major Design Reviews
- (a) Pre-Application Conference (As required by Section 17.801(2))
 - (b) Application Requirements: Following the pre-application conference, the applicant shall submit an application and necessary supplemental information to the Zoning Administrator. A complete application shall consist of all of the following items:
 - 1. A map of the subject property showing all lands for which design review is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its surroundings, and the jurisdiction(s) which maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 3. A written description of the proposed site plan changes describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 4. A site plan, plan of operation, architectural drawings, and other supplemental information as required by the Zoning Administrator for the development as proposed.
- (c) Zoning Administrator Review: The Zoning Administrator shall review each Major Design Review application based on the approval criteria listed below and provide a recommendation to the Architectural Commission and Plan Commission based on his/her findings.
- (d) Approval Criteria: The Architectural Commission may approve or deny a major design review application. Approved design reviews shall be forwarded to the Plan Commission for review. Approvals shall meet the following criteria:
1. The development's architecture is consistent with all applicable development and design standards set forth in this Zoning Ordinance; and
 2. The development's architecture will not substantially alter the basic character of the surrounding area or jeopardize the development or redevelopment of the area.
- (e) Approval Criteria: The Plan Commission may approve a Major Design Review application if all of the following criteria are met:
1. The development plan is consistent with the intent of the Comprehensive Plan and all other adopted City Plans;
 2. The development plan complies with all applicable development and design standards set forth in this Zoning Ordinance;
 3. The development plan will not substantially alter the basic character of the surrounding area or jeopardize the development or redevelopment of the area; and
 4. The development plan is consistent with any previously approved subdivision plat, planned development, or any other previous plan or land use approval as applicable.

Section 17.806 Conditional Use Review and Approval

(1) Purpose

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (b) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulation, or conditions which would permit such determination in

each individual situation, may be permitted as conditional uses. In considering the grant of a conditional use permit, special emphasis shall be given to whether the conditional use negatively impacts the public health, safety, welfare, or morals of the community. The conditional use standards set forth in Section 17.807(6)(a) shall be considered.

- (c) Under this Chapter, a proposed Conditional Use shall be denied unless the Applicant can demonstrate, to the satisfaction of the City that the proposed Conditional Use will not create undesirable impacts on nearby properties, the environment, or the community as a whole.
- (2) **Initiation & Procedure for Approval of a Conditional Use:** Proceedings for approval of a conditional use permit may be initiated by an application by the owner's of the subject property.
- (3) **Pre-Application Conference (As required by Section 17.801(2))**
- (4) **Application for Conditional Use Review by Zoning Administrator:** The petitioner shall apply to the Zoning Administrator for the scheduling of an appearance before the Plan Commission. The Zoning Administrator shall notify the petitioner of the date and time of the applicable Plan Commission meeting.
- (5) **Application Requirements:** Prior to the submittal of the Class II Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with the complete application and supplemental information as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its surroundings, and the jurisdiction(s) which maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 - (d) A site plan and plan of operation of the development as proposed.
 - (e) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed Conditional Use is appropriate.
- (6) **Review by the Zoning Administrator:** The proposed conditional use shall be reviewed by the Zoning Administrator as follows:
 - (a) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use as follows:
 1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other

- plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
 3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or right-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?
 4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
 5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?
 6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?
 7. Will the proposed conditional use create adverse impacts such as dust, lighting, air pollution, noise, odor, vibration, glare, heat, hazardous materials, or traffic?
 8. Will the proposed conditional use negatively affect the health, safety, welfare and morals of the general public?
- (b) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review and use in taking its final action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Preliminary Recommendation by the Plan Commission (*Repealed and Recreated- Ordinance No. 19-0957 – adopted 6/18/19*)

- (a) The Plan Commission shall make its recommendations regarding the application as a whole. If the Plan Commission makes a favorable recommendation, it shall state in the minutes and in the subsequently issued written report, its

conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the proposal by the Applicant.

- (b) After a recommendation by the Plan Commission, City Staff shall prepare a written report for Common Council review.

(8) Public Hearing and Review of the Plan Commission's Recommendations by the Common Council. *(Repealed and Recreated- Ordinance No. 19-O957 – adopted 6/18/19)*

- (a) The Common Council shall schedule a reasonable time and place for a public hearing to consider the application within 60 days after the acceptance of the complete application as determined by the Zoning Administrator. Said notice shall contain a description of the subject property and the proposed conditional use. A Class 2 notice of public hearing shall be provided as required by Wisconsin State Statutes 62.23(7)(de)3. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) The City shall transmit a copy of each public hearing notice for a conditional use located within 1,000 feet of a navigable waterway, to the Wisconsin Department of Natural Resources for review and comment at least ten (10) days prior to any public hearing.
- (c) Within 45 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Common Council), the Common Council shall make its determination regarding the application as a whole. If the Common Council approves the conditional use permit, it shall state in the minutes and in the subsequently issued written report, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the proposal by the Applicant. If the application is not acted on within the required timeframe as noted above, the application shall be deemed approved.
- (d) The City Council shall review the Plan Commission's preliminary findings regarding the proposed conditional use. The City Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, City Staff and/or the Applicant. If the Common Council concurs with the recommendation of the Plan Commission, after holding a public hearing, it may take action on the application at the time of its initial consideration of the Plan Commission's recommendation and draft conditional use permit, or may continue the proceedings at its discretion or at the

Applicant's request. The Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Plan Commission, Zoning Administrator, the applicant, other City staff, authorized outside experts, general public, or its own members) or may deny approval of the proposed conditional use. Any action to amend the provisions of the proposed conditional use requires a majority vote of the Common Council. The decision of the Common Council shall be made upon substantial evidence based upon the standards of this Code, per Wisconsin Statutes Section 62.23(7)(de). The Common Council's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

- (9) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) **Review for Compliance:** The City may conduct an investigation to ensure that the permittee is maintaining the use as applied for, in compliance with all conditions, and has not converted or modified the use. Failure to operate in accordance with the conditions of the conditional use permit shall be the subject of an enforcement action and civil penalties and/or grounds for setting the matter for public hearing to consider revocation of the permit. The election of civil penalties shall in no way act as a waiver of the revocation of the permit. The City may also pursue any other option permitted by law to require compliance with the conditions of the permit.
- (11) **Revocation of Conditional Use Permits:**
- (a) The Plan Commission, upon the direction of the City Council, shall hold a public hearing to consider the revocation of a conditional use permit granted in accordance with the provisions of this Chapter.
 - (b) Written notice of the date, time, place, and purpose of such public hearing shall be served on the owner of the property for which the permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten (10) days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in this Chapter governing notices of conditional use permits.
 - (c) A conditional use permit may be revoked if, from the facts presented at the public hearing or by investigation, the Plan Commission finds any one (1) or more of the following grounds:
 - 1. That the permit approval was obtained by fraud;
 - 2. That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances; and

3. That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so as to constitute a nuisance.
 - (f) The Plan Commission shall provide a recommendation to the Common Council after the affirmative votes of a majority of the membership of the Plan Commission, such membership being based upon membership present and voting. The Plan Commission shall forward its findings to the Common Council
 - (g) The Common Council, after receiving a recommendation from the Plan Commission, shall consider the revocation of a conditional use permit. The Common Council may affirm or modify the recommendation of the Plan Commission. Each decision by the Common Council to revoke a conditional use permit shall be by the affirmative votes of a majority of the Common Council. The Common Council shall mail a notice of its decision to the owner of the property involved. The Common Council may, after a public hearing has been held in the manner prescribed in this Section, affirm, reverse, or modify the decision of the Plan Commission.
- (12) **Time Limits on the Development of Conditional Use:** The start of construction of all conditional uses shall be initiated within 365 days of their approval by City Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by Plan Commission and shall be based upon a showing of acceptable justification (as determined by Plan Commission).
- (13) **Discontinuing an Approved Conditional Use:** All conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (14) **Change of Ownership:** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved without approval by Plan Commission, shall be grounds for revocation of said conditional use approval.

Section 17.807 Temporary Use Review and Approval

(1) Purpose

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval of proposed temporary uses.

- (2) **Regulations Applicable to All Temporary Uses:** No public hearing is required to grant a temporary use, however, a demonstration that the applicant proposes to meet all temporary use requirements of Section 17.113 must be made at time of site plan application.

- (3) **Pre-Application Conference (As required by Section 17.801(2))**
- (4) **Application Requirements:** All applications for temporary use permits shall be filed at least four (4) weeks prior to the date of the temporary use will commence. Said complete application shall be comprised of all of the following:
 - (a) A map of the subject property showing all lands for which the temporary use is proposed.
 - (b) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and,
 - (c) A site plan of the subject property as proposed for development.
- (5) **Approval and Duration of Activity:** The Zoning Administrator may approve, approve with conditions, or deny the application based on the approval criteria, and limit the duration of a temporary use in terms of the number of days per occurrence, the number of occurrences per year, and may provide for permit renewal.
- (6) **Approval Criteria:** The Zoning Administrator shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the requirements of the Zoning Ordinance and further promotes the goals and objectives on the City's Comprehensive Plan.

Section 17.808 Variances

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for variations from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) **Definitions of Variance Type:**
 - (a) **Area Variance** – In this subdivision, an “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the Zoning Board of Appeals under this paragraph.
 - (b) **Use Variance** – In this subdivision, a “use variance” means an authorization by the Zoning Board of Appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
- (3) **Initiation of Request for Approval of a Variance:** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property.
- (4) **Standards for Granting a Variance:**
 - (a) **Area Variance** – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s

- property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.
- (b) Use Variance – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this subdivision, for a use variance by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.
 - (c) In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- (5) **Application Requirements:** Prior to the submittal of the Class II Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City with the complete application. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
 - (d) A site plan of the subject property as proposed for development;
 - (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate; and
 - (f) Written alternatives for the proposal such as other locations, designs, and construction techniques. If such alternatives exist, explain why they have been rejected.
- (6) **Review by the Zoning Administrator:** The requested variance shall be reviewed by The Zoning Administrator as follows:
- (a) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the City’s Comprehensive Plan and with the standards of below:
 1. What exceptional or extraordinary circumstances or special factors or unique property limitations are present which apply only to the subject property? In what manner do the factors listed prohibit the development of the subject property?
 2. Would granting the proposed variance be a substantial detriment to the

public interest?

3. Would granting of the proposed variance result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property, or other matters affecting the public health, safety, or general welfare?
4. Have factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent?
5. Would compliance with the Ordinance unreasonably prevent the owner from using the property for a permitted purpose or would conformity with the Ordinance create an unnecessary burden on the property owner?

- (b) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Zoning Ordinance and Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

(7) Review and Determination by Zoning Board of Appeals

- (a) The Zoning Board of Appeals must determine whether a variance request is seeking an area variance or seeking a use variance.
- (b) The Zoning Board of Appeals must determine the standard that applies for the grant of the variance.
- (c) The Zoning Board of Appeals must require the property owner bear the burden of proof.
- (d) Any variance granted must be due to conditions unique to the property rather than considerations personal to the property owner.
- (e) The variance cannot be granted if the hardship was created by the property owner.
- (f) Within 60 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (g) Within 30 days after holding the public hearing (or, within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
- (h) Said report shall include a formal findings of facts developed and approved by the Zoning Board of Appeals.
- (8) **Effect of Denial:** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (9) **Limited Effect of a Variance:** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance. Except as follows, any work authorized by a variance granted under this subdivision must be commenced by the issuance of a building permit within one year of the date of the variance being granted, and such work must be completed prior to the expiration of such building permit, or the variance automatically expires and is null and void.
- (a) The Zoning Board of Appeals may allow a larger time to commence and/or complete work, by specifying such extended time in writing at the time that the variance is granted. (b) The City Zoning Administrator may extend the time to commence and/or complete work authorized by variance by up to 6 months if the City Zoning Administrator is satisfied in a particular case that such extension will not adversely impact upon neighboring properties and is reasonable under the circumstances.
- (10) **Notice to the DNR:** The Zoning Board of Appeals shall transmit a copy of each public hearing notice for a variance located within 1,000 feet of any lake, river, or stream, to the Wisconsin Department of Natural Resources.

Section 17.809 Special Exceptions

- (1) **Purpose:** In all Zoning Districts, minimum side yard setbacks, minimum rear yard setbacks, and minimum road setbacks may be reduced by special exception.

Reduced shore yard setbacks shall not be considered under this section.

- (2) **Initiation of Request for Approval of a Special Exception:** Proceedings for approval of a requested special exception shall be initiated by an application of the owner(s) of the subject property.
- (3) **Application Requirements:** Prior to the submittal of the Class II Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk copies of the complete application. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the special exception is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its surroundings. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed special exception describing the specific requirements of the special exception proposed for the subject property;
 - (d) A site plan of the subject property as proposed for development.
 - (e) Written justification for the requested special exception consisting of the reasons why the Applicant believes the proposed special exception is appropriate.
- (4) **Review by the Zoning Administrator:** The requested special exception shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed special exception provided in the application. A special exception is not a variance as the applicant does not need to show any unnecessary hardship or unique property limitations with the request. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the City's Comprehensive Plan and with the standards of below:
 - 1. Would granting the proposed special exception be a substantial detriment to the public interest?
 - 2. Would granting of the proposed special exception result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property, or other matters affecting the public health, safety, or general welfare?
 - 3. Have factors which present the reason for the proposed special exception been created by the act of the applicant or previous property owner or their agent?
- (5) **Review and Determination by the Board of Zoning Appeals**
- (a) Within 60 days after filing of the complete application the Board of Zoning Appeals shall hold a public hearing. Notice of the requested special exception

and the public hearing shall conform to the requirements of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed special exception. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant of the proposed special exception; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 30 days after the holding of the public hearing (or, within an extension of said period approved by the Applicant and granted by the Board of Zoning Appeals), the Board of Zoning Appeals shall make its determination regarding the application as a whole. The Board of Zoning Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Board of Zoning Appeals may take final action on said request for approval of the requested special exception at the time of its initial meeting, or said proceedings may be continued for further consideration. The Board of Zoning Appeals shall make a written report of its findings and determinations.
- (6) **Effect of Denial:** No application for a special exception which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (7) **Limited Effect of a Special Exception:** Where the Board of Zoning Appeals has granted a special exception, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the special exception. Granting of a special exception shall be considered as unique to the special exception granted, and shall not be construed as precedent for any other proposed special exception. The special exception shall remain valid for the life of the structure.

Section 17.810 Appeals of Zoning Administrator Interpretations

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator or other public officials.
- (2) **Initiation of Request for Review of Zoning Interpretation:** Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.
- (3) **Time Limit for Filing an Appeal:** Any appeal of an interpretation under the provisions of this Section shall be made within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45 day period shall constitute a final and binding waiver of the right to appeal said interpretation.

- (4) **Application Requirements:** All applications for review of an interpretation, shall be filed in the office of the Zoning Administrator. Said complete application shall be accompanied by all of the following:
- (a) A copy of pertinent items in the file on the matter maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the Applicant; and
 - (b) A written statement from the Applicant indicating the reasons why an appeal is justified based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the Applicant.
- (5) **Review by the Zoning Administrator:** The submitted appeal shall be reviewed by The Zoning Administrator in the following steps:
- (a) The Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the appeal to the Zoning Board of Appeals as submitted by the Applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the City's Comprehensive Plan.
 - (b) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report. The Zoning Administrator shall provide a report on the rational for this basis of his/her interpretation.
- (6) **Review and Action by the Zoning Board of Appeals**
- (a) Within 60 days after the filing of the complete application the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Wisconsin Statutes. Said notice shall contain a description of the issue. At least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter; and to any property owner within 200 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals makes its findings. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.

- (c) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, the zoning administrator's interpretation is affirmed.
- (7) **Effect of Denial:** No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) **Limited Effect of a Favorable Ruling on an Appeal**
 - (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

Section 17.811 Violations and Penalties

- (1) **Violation of this Chapter:** It shall be unlawful to construct or use any land, engage in any development activity or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements, or fail to obtain necessary building permits or development approvals. Any person who violates or fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- (2) **Penalties:** Any person, firm, or corporation who fails to comply with the provisions of this Code or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (3) **City Promulgated Correction of Violation:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter.
 - (a) **Hazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
 - (b) **Nonhazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further

determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice on the current owner of the property on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator may cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

- (c) **Cost of Abatement:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City shall enter such charges onto the tax roll as a special tax as provided by State Statute.

SUBCHAPTER 17-9: DEFINITIONS

Section 17.901 Rules of Construction and Definitions

In the construction of this Ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular number shall include the plural number, and the plural the singular.
- (3) The words “shall”, “must”, and “will”, are mandatory and not discretionary.
- (4) The word “may” is permissive.
- (5) All words not defined shall have their common meaning.
- (6) If there is any ambiguity between the text of this Ordinance and any caption or illustration, the text shall control.
- (7) All public officials, bodies, and agencies to which references are made are those of the City of Oconomowoc unless otherwise indicated.

Section 17.902 Interpretations

The Zoning Administrator has final authority to determine the interpretation or usage of terms used in this Zoning Ordinance. Any person may request an interpretation of any term by submitting a written request to the Zoning Administrator who shall respond in writing within 30 days.

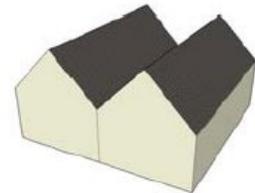
Section 17.903 Definitions of General Use Categories and Specific Use Types

This Section defines the general use categories and specific use types listed within the *Table of Allowable Uses*.

(1) Residential Uses

- (a) **Household Living** (*Repealed & Recreated on September 15, 2020, Ordinance Number 20-O982*): This use category is characterized by residential occupancy of a dwelling unit by a household. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Specific use types include, but are not limited to:

1. **Dwelling, Duplex:** A structure containing two (2) dwelling units, each of which has access to the outside.
2. **Dwelling, Live/Work:** A structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.



Dwelling, Duplex

3. **Dwelling, Single-Family Detached:** A building consisting of a single dwelling unit only, separated from other dwelling units by open space.
 4. **Dwelling, Multi-Family:** A building designed exclusively for occupancy by three (3) or more families living independently of each in other in individual dwelling units.
- (b) **Group Living:** This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living”. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to:
1. **Community Living Arrangement:** Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes, for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community living arrangements are regulated depending on their capacity by Wisconsin Statutes §62.23(7)(i).
 2. **Elderly Housing, Assisted Living Facility:** A residential facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.
 3. **Nursing Home, Hospice, Life Care Center:** A facility that is maintained primarily for the care, treatment, and dispensing or administration of medication for people including the aged, ill, injured, or infirm, on a 24-hour basis, under the direction of licensed physician or nurse.

(2) Public, Institutional, and Civic Uses

- (a) **Community and Cultural Facilities:** Uses including buildings, structures, or facilities owned, operated, or occupied by a government entity or nonprofit organization to provide a service to the public. Specific use types include, but are not limited to:
1. **Government Administration and Civic Buildings:** An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, libraries, museums, public assistance offices, or motor vehicle licensing and registration services.
 2. **Social, Fraternal Lodges:** Buildings and facilities owned or operated by a corporation, association, person, or persons for social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

3. **Public Safety Facility:** The conduct of publicly owned safety and emergency stations, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance services.
 4. **Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes.
 5. **Places of Worship:** A facility where people regularly assemble for religious worship and any incidental religious education, childcare or meeting rooms which are maintained and controlled by a religious body.
- (b) **Child Care Facilities:** Facilities that provide care for children on a regular basis away from their primary residence. Accessory uses include offices, recreation areas, and parking. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises.
1. **Child care/Daycare center, nursery school:** A facility licensed by the State Department of Health and Family Services, or any other government agency that assumes its authority and responsibility, in which qualified persons, other than a relative or guardian provide care and supervision for children, adolescents, or adults for less than twenty-four (24) hours per day. Daycare centers include nursery schools that are similarly licensed.
 2. **Daycare Home, Family:** An occupied residence in which a qualified person or persons residing in the dwelling provides care for eight (8) or less children or adults. The care of eight (8) or less people is not subject to the regulations of this Ordinance.
- (c) **Health Care Facility:** Health Care uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:
1. **Hospital:** A building or portion thereof for the accommodation of sick, injured, or infirm persons. Services regularly include the keeping of patients overnight. Incidental accessory uses include cafeterias and gift shops.
 2. **Immediate Care Facility:** A non-residential facility, whether public or private, principally engaged in providing an emergency basis out-patient services for health diagnosis, treatment of human disease, pain, injury, or physical condition, by licensed physicians and nurses, and providing access for emergency vehicles. These facilities may also provide for the dispensing of pharmaceutical or medical supplies.
 3. **Medical or Dental Office or Clinic:** An establishment primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, pharmacists, and other health

practitioners, medical and dental laboratories, outpatient care, and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

4. **Physical, Occupational or Massage Therapy:** An establishment where licensed professional therapists provide services to clients on an outpatient basis.

- (d) **Park and Open Space:** Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public spaces. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

1. **Athletic Fields and Courts:** Land, often requiring equipment, designed for outdoor games and sports such as baseball, football, tennis, and soccer.
2. **Community Garden:** A public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
3. **Open Space:** An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes, not including golf courses.
4. **Park:** Areas open to the general public and reserved for recreational, educational, or scenic purposes.

- (e) **Educational Facilities:** Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before-or after-school daycare. Specific use types include, but are not limited to:

1. **College or University:** A degree-granting institution that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lectures halls, athletic facilities, and dormitories.
2. **Elementary or Secondary School:** An educational institution that satisfies the applicable education laws of the State of Wisconsin for students in elementary or secondary grades.

(3) **Agricultural Uses**

- (a) **Cultivation:** The use of land primarily for growing or producing field crops, including field crops for consumption by animals located off-site or for tree farming or nursery operations.

(4) Commercial Uses

- (a) **Animal Related Services:** Animal related services involve the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to:
1. **Kennel:** Any facility where animals owned by another person are temporarily boarded for compensation including animal daycare; provided, however, that this definition shall not apply to veterinary hospitals.
 2. **Veterinary Clinic/Hospital:** A facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to the clinic/hospital use.
 3. **Animal Grooming:** An establishment where domestic animals are bathed, clipped, or combed.
- (b) **Financial Services:** Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may also include automatic teller machines, offices, and parking. The use may or may not be allowed to have a drive-through facility, depending on the zoning district.
1. **Payday Loan Business:** Any person licensed, pursuant to Wisconsin Statutes, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.
- (c) **Food and Beverage Services:** Food and beverage services businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include, but are not limited to:
1. **Bar or Nightclub:** A building or part of a building used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink. Dancing and musical entertainment are permitted, subject to all applicable City regulations.
 2. **Restaurant, with Drive-Through:** An eating/drinking establishment in which the principal business is the preparation and sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer in a motor vehicle without the need for customer to exit the motor vehicle.
 3. **Restaurant, without Drive-Through:** An area or structure in which the principal business is the preparation and sale of foods and beverages to the customer in a ready-to-consume state. Operations may or may not

include outdoor seating areas or outdoor food service, but the operation does not include a drive-through facility.

- (d) **Lodging Facilities:** For profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:
1. **Bed and Breakfast:** An establishment that exclusively provides indoor lodging facilities which provide meals only to paying lodging customers, and which is the principal residence of the operator.
 2. **Hotel, Motel, or Lodge:** A building or group of buildings containing nine (9) or more sleeping rooms that are occupied or intended or designed to be occupied as temporary accommodations for persons who are lodged with or without meals, for compensation.
- (e) **Office, Business and Professional:** Business and professional office provide executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- (f) **Personal Services:** Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include, but are not limited to:
1. **Dry Cleaning and Laundry Service:** An establishment where laundry or dry cleaning is dropped off and picked up by customers, and that also includes on-site laundry and/or cleaning activities.
 2. **General Personal Services:** An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tattoo parlors, and tanning salons.
- (g) **Recreation and Entertainment, Indoor:** Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:
1. **Sexually Orientated Business:** An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater or adult theater (see Section 12.17 of the Municipal Code for regulations and licensing).

2. **Art Gallery:** Any permanent facility for the collection and display of objects of art.
 3. **Movie Theater:** An indoor theater for the showing of motion pictures.
- (h) **Recreation and Entertainment, Outdoor:** Outdoor recreation and entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:
1. **General Outdoor Recreation, Commercial:** Intensely developed recreational uses such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, and archery facilities.
 2. **Golf Course or Driving Range:** A tract of land laid out with a course having nine or more holes for the playing of golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.
- (i) **Retail Sales:** Retail sales firms are involved in the sale, lease, or rent of new or used products to the general public. Any outdoor display or sales area is subject to the regulations of this Ordinance. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on site sale. Specific uses types include, but are not limited to:
1. **Greenhouse or Nursery, Commercial:** Land or greenhouses used to raise flowers, shrubs, and plants for sale.
 2. **Grocery Store:** A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.
 3. **Liquor Store:** A retail establishment licensed to sell alcoholic beverages such as beer, wine, and liquor.
 4. **Retail, General:** A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to apparel shops, appliance sales, auto parts store, bait shops, bakeries, bookstores, convenience stores without gas pumps, department stores, factory outlet stores, florists, and souvenir shops.
- (j) **Vehicles and Equipment:** Vehicles and equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include, but are not limited to:
1. **Parking Lot:** An open, hard-surfaced area, other than a street or public way, to be used for the temporary storage of operable vehicles, and available to the public whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal

use. For purposes of this Ordinance, parking structures shall also be considered parking lots. Parking structures are structures designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

2. **Gasoline Sales:** Any area used for retail sales of gasoline or other fuels, or automobile accessories and incidental services.
3. **Vehicle Sales and Rental:** An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles included, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal watercraft, utility trailers, all-terrain vehicles, and mobile homes.
4. **Vehicle Service and Repair:** An establishment engaged in the repair and maintenance of motor vehicles.

(5) Industrial Uses

- (a) **Industrial Service:** Industrial service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, showrooms, parking, and storage. Specific use types include, but are not limited to:
 1. **Building Materials Sales:** An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.
 2. **General Industrial Service:** All other industrial service establishments not listed within one of the other enumerated use types. Example include: construction materials storage; welding shop, machine shop; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; and heavy truck servicing and repair.
 3. **Natural Resource Processing:** The development or extraction or processing of rock, material, or similar product.
- (b) **Manufacturing and Production:** This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (e.g. establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities,

warehouse, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to:

1. **Assembly, Light:** An establishment engaged only in the assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped.
2. **Manufacturing, Heavy:** An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.
3. **Manufacturing, Light:** An establishment engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

(c) **Warehouse and Freight Movement:** Firms involved in warehouse, freight movement, or distribution are engaged in the storage movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

1. **Mini-Storage:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or ware.
2. **Storage Yard:** Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.
3. **Warehouse/Distribution Center:** A structure containing an area available for the primary purpose of storing raw materials, goods, or property.
4. **Wholesale Establishment:** An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This shall include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

(d) **Telecommunications:** Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures.

Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development.

- (e) **Waste and Salvage:** Waste and salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic materials or processing of scrap or waste materials. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

(6) **Accessory Uses and Structures**

- (a) **Accessory Building:** A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- (b) **Accessory Use:** A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- (c) **Donation Drop-Off Boxes:** Any container, storage unit or temporary structure that can be or is used for the holding of donations with collection of these donations made at a later date or time and which is located for such purposes outside an enclosed building.
- (d) **Home Occupation:** A commercial activity conducted in a residential zoning district that complies with this Ordinance.
- (e) **Play Structure:** A detached structure which can be or is intended to be used by minors to engage in commonly accepted play activities. Examples include tree houses, rock climbing walls, jungle-gyms, and similar uses.
- (f) **Play House:** A play structure or component thereof, which is covered or partially covered and which has at least three (3) walls or sides, and is placed on or attached to the ground and not entirely located on and supported by a tree, such as a tree house.
- (g) **Portable Storage Structure:** A contained, storage unit, shed-like container or other portable structure, other than an accessory building or shed and land use requirements, that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building.
- (h) **Seasonal Play Structure:** A play structure that is not permanently attached to the ground, is ordinarily not intended for year-round usage because of its design or limited usefulness and is removed during the off season of use.
- (i) **Seasonal Swimming Pool:** A seasonal swimming pool is a receptacle for water containing less than 1,000 gallons that are constructed so they are readily disassembled for storage and reassembled to its original integrity. Seasonal pools are yearly assembled and used from May 1st to September 1st.

- (j) **Swimming Pool:** A swimming pool is a receptacle for water, whether above or below ground, intended for use by the owner, his/her friends and guests for bathing or swimming.
- (k) **Vending Machine:** A stand-alone, self-contained or connected appliance machine located inside or outside a principal building, or structure that dispenses a product.

Section 17.904 Other Terms Defined

Accent Paving: Hard-surface material that is different from the surrounding pavement due to the use of paint, other hard-surface material, color, stamping, etc.

Access: A means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Alter, or Alteration: Any act or process that changes one or more of the interior or exterior architectural or structural features of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.

Appeal: A request for a review of a decision made pursuant to this Zoning Ordinance.

Arcade: An arched or covered passageway, or series of arches supported on piers or columns.

Appurtenance: Anything attached to a building including an apparatus.

Awning: A device attached to a building when the same is so erected as to either permit its being raised or retracted to a position against the building when not in use, or to provide shade.

Building: A structure designed to be used as a place of occupancy, storage, or shelter.

Building, Principal: The primary building on a parcel intended for principal use.

Building Frontage: The portion of a building that faces and is most parallel to a public or private street.

Building Inspector: As used in any adopted technical code of the City, the City Building Inspector.

Canopy: A structure, other than an awning, attached to a building and usually carried by a frame supported by the ground or sidewalk.

Conditional Use Permit: A permit that authorizes the recipient to make use of property in accordance with the requirements of this Zoning Ordinance.

Condominiums: A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.

Context: The relationship of the building to its surroundings in terms of size, form, character and site development.

Commercial Power Equipment: Includes equipment of 20 horse power or less intended for occasional use on residential property including but not limited to power generators, power hand tools, chainsaws, jackhammers, or other pavement breakers, or other similar machinery.

Continuous Noise: Any noise whose level varies less than 3dB(A) during the course of a period of at least five (5) minutes.

Construction: The erection, excavation, demolition, alteration, or repair of any building or structure and/or the excavation, alteration or repair of any streets or highways.

Construction Equipment: Includes industrial machinery of greater than 20 horse power such as tractors, bulldozers, drills, augers, loaders, power shovels, cranes, derricks, paving machines, trenchers, compactors, pavement breakers, compressors, and all other similar machinery.

Decibel or DB: A logarithmic unit of sound intensity.

Decibel on the A-weighted Network or dBA: Decibels measured on the A-weighted network of a calibrated sound level meter utilizing the A-level weighted scale and the faster meter response.

Demolish, or Demolition: To tear down, wreck, raze, or ruin a structure.

Density, Gross: The ratio of dwelling units per acre utilizing the full acreage of the parcel without subtracting areas dedicated to public or private roads, schools, parks, stormwater ponds, or similar public use and open space areas.

Density, Net: The same measurement as in gross density, except that the land area considered excludes lands dedicated to the public, rights-of-way, wetlands, floodplains, and dedicated open space, whether such open space is held in public or private ownership.

Design Guideline: A standard of appropriate architectural features and site activity to include parking, landscaping, pedestrian provisions, etc., that will preserve the historic and architectural character of a landmark, building, area, or object.

Developer: Any person(s) completing allowed and permitted improvements on a lot, parcel, or tract of land. A developer may be the owner or a person authorized by the owner.

Development Activity: An improvement that is allowed and permitted and completed on a lot, parcel, or tract of land by a developer or property owner. The term "development activity" shall include annexation, zoning, subdivision, planned unit development, building permit issuance, construction, alterations, land grading, excavating, and clearing.

Development Approval: Any final approval of a development activity.

Double-Frontage Lot: A lot with two (2) or more sides that abut a street.

Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dwelling Unit: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Easement: An interest in land owned by another that entitles the easement holder to a specific use of the described land.

Emergency Repairs: Repairs immediately necessary to protect the health and safety of the property owner, user, or general public.

Exterior Architectural Features: The features that contribute to the architectural character and general composition of the exterior of a building or structure, including but not limited to the kind, color, and texture of the building materials and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

Façade: The front of a building including entries, parapets and rooflines, specifically the principal face.

Family:

- (a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to one (1) roomer, with the following exceptions:
 - 1. In any residential district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, “children” means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
 - 2. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
 - 3. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of the daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.
- (b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two (2) or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee’s interest in said dwelling unit. Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition

where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years.

- (c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

Five-Year Time of Travel (TOT): The area up-gradient of a pumping well from the outer boundary which it is determined or estimated that groundwater potential contaminants will take five (5) years to reach the pumping well.

Floor area, Gross: The total area of a building measured along the outside dimensions of the building, including each floor or level used for occupancy and storage.

Frontage: Any boundary line of a lot or parcel of land that coincides with the right-of-way of a street.

Height: The vertical distance from: (1) the average elevation of the adjoining ground level or (2) the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance between the gable peak and the roof sill of the highest gable on a gable, gambrel, or hip pitched or hip roof.

Impervious Surface: A surface that does not permit the absorption of fluids. Such surfaces are those from which fluids will bead up and run off or can be removed without their being absorbed into the surface material.

Improvements: Any changes, additions, or deletions made to property that did not naturally exist thereon.

Impulsive Noise: Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

Intensity of Use: The type(s), amount, and level of use anticipated in the development of any parcel of land.

Intermittent Noise: Any noise which goes on and off during a course of measurement of at least five (5) minutes, but which exceeds ten (10) seconds in duration each time it is on.

Large Scale Development: A single user who occupies no less than 40,000 square feet of cumulative building floor area, typically requiring a high parking to building ratio. Such users may include membership wholesale clubs that emphasize bulk sales, discount stores, department stores, and large stores selling food, drug, household merchandise and clothing.

Loading Area: A portion of the vehicle accommodation area used for loading and unloading of goods, equipment, people, etc.

Lot: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the County Register of Deeds.

Lot Area: The area contained within the property boundaries of a recorded lot.

Lot Corner: A lot situated at the junction of two (2) or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot Coverage: Any portion of a lot which, when viewed from above, is covered by impervious surface, including wet stormwater ponds, but not including green roofs and vegetated stormwater facilities.

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one (1) street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot Line: A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public street right-of-way, the line of such public right-of-way shall be the lot line.

Lot Line, Front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two (2) or more street frontages, the lot line along the shortest street frontage shall be the front lot line.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of irregular, triangular, or gore shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered the rear lot line. In the case of lots which have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line onto which the front entrance to the principal building faces.

Lot Line, Side: Any boundary of a lot which is not a front lot line, street side lot line, or a rear lot line.

Lot Line, Street Side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of Record: A platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the City or Waukesha County; and has been recorded in the office of the County Register of Deeds.

Lot Width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard.

Mass/Scale: The appearance of the building in terms of size, height, bulk, and building mass, and its proportion to surrounding landforms, vegetation, and buildings.

Master Plan: A long-term outline of a project or plan outlining a comprehensive long-term strategy.

Modulation/Articulation: Variation of the building façade (e.g. stepping out or extending back the footprint/façade, variation in the roofline, addition of building elements such as balconies, decks, porches, window patterns/types, and variation in building materials/colors).

Nonconforming Building or Structure: Any building or structure which does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building is located.

Nonconforming Lot: A lot that was in compliance with an earlier version of this Zoning Ordinance when created, but that does not meet current requirements of this Zoning Ordinance.

Nonconforming Use: A situation or use that complied with the Zoning Ordinance when created, but which does not currently conform to one or more of the regulations applicable to the district in which the lot or structure is currently located.

Ordinance Repairs and Maintenance: Work done on a building in order to correct or prevent any deterioration, decay of, or damage to such building or any part thereof, in order to restore or preserve the same as nearly as practicable to its condition prior to such deterioration, decay, or damage.

Orientation: The relationship of a structure to streetscape, parking lots, sidewalks, surrounding structures, and landforms.

Overlay Zone: An overlapping zone that identifies special physical and cultural characteristics and requires specific use and development constraints in order to maintain the uniqueness of the zone, and which constraints are in addition to the underlying zoning district restrictions.

Parapet: The top of a wall that forms the upper portions of a building façade.

Parcel: A lot or tract of land typically delineated as part of a recorded plat or survey.

Parking Areas: A parking lot that is intended for parking of vehicles.

Parking Area Aisles: A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space: A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Perpetual Noise: Any noise whose level varies less than 3dB(A) during a period of at least thirty (30) minutes.

Person: An individual, counselor, executor, trustee, administrator, personal representative, other fiduciary, corporation, firm, partnership, association, or organization.

Planned Development (PD): An area of land, controlled by one or more land owners to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, and which does not typically correspond in lot size, bulk,

or type of use, density, lot coverage, open space, or other restrictions in the Zoning Ordinance, but instead establishes unique overlay zoning, uses and design elements.

Plat: A map of a subdivision or individual lot.

Premises: The physical location where an activity is routinely conducted, which may include the primary structure, parking facilities and private roadways.

Public Areas: Any area which is free and open to the general public at all times.

Public Facilities: Any facility, including, but not limited to roads, public infrastructure, or other facilities operated or funded by a government body or public entity.

Public Parking: A parking area that is owned and maintained by the City that is open to the public generally called a “public parking area”.

Public Use: Uses that, unless otherwise stated herein, are owned and operated by a local, State, or Federal unit of government.

Residential Power Equipment: Power equipment intended for frequent use in residential areas, including but not limited to lawn mowers, snow and/or leaf blowers, riding tractors, and other similar garden tools.

Right-of-Way (R.O.W.): An area of land designated for public use for access across property, or location of private or government owned utilities, including streets, roads, alleys, walkways, etc.

Roofline: The upper most edge of a roof or parapet.

Roomer: A roomer is a person living in a dwelling unit who is other than part of the family because of blood, marriage or legal adoption, and is other than a foster child.

Shoreland: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, river, pond or flowage; and 300 feet from a stream.

Shoreland Setback: The horizontal distance between the closest point of a structure or building and the ordinary high water mark of a navigable waters.

Single housekeeping unit: One (1) or two (2) or more individuals living together sharing household responsibilities and activities which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

Special Exception: A minor adjustment to the requirements of the Zoning Ordinance only where specifically authorized by this Ordinance.

Street or Road: A public or private thoroughfare used for passage of vehicular traffic.

Street, Alley: A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

Street, Cul-de-Sac: A dead-end street that widens sufficiently at the end to permit a vehicle to make a U-turn.

Structure: Anything constructed, assembled, erected or built on a lot.

Structured Parking: An above-ground or below-ground parking garage.

Subdivision: A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development.

Terrace: A level plane or surfaced patio, abutting a principal building, not covered by any permanent structure.

Terrace, Paved: A terrace with a surface of any material other than natural vegetation.

Traditional Neighborhood Development (TND): A development that exhibits several of the following characteristics: alleys, street laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens. The City regulates TNDs through the Planned Development process.

Use, Principal: The dominant use of a property.

Variance: A grant of permission by the Zoning Board of Appeals that authorizes the recipient to develop or use property in a manner that, according to the strict letter of this Zoning Ordinance, is not otherwise legally permitted.

Vegetative Stormwater Facility: A stormwater management facility that relies on plantings as an integral component of their functionality. Plantings can provide wildlife habitat and enhance many facility functions, including infiltration, pollutant removal, water cooling, flow calming, and erosion prevention.

Yard Sale: Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or of new and/or used goods on a lot where the principal use is residential.

Zoning District: Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform, except for planned development districts.

Zoning Map: The map adopted as an Ordinance by the City that delineates the extent of each district or zone established in this Zoning Ordinance.

Appendix A – Landscaping Charts & Checklists

Detailed Classification of Plant Species

Detailed Classification of Plant Species: Climax Trees (75 landscaping points)

Botanical Name	Common Name	Growth		Adaptation and Remarks
		Rate	Form	
<i>*Acer saccharum</i> ^{RF}	Sugar Maple	S	Round	Rich soil; salt-sensitive; oval when young; yellow, orange or scarlet fall color.
“Green Mountain”				Scorch-resistant; leathery leaves.
<i>*Carya ovata</i> ^{RF}	Shagbark Hickory			Native and very adaptable, salt-sensitive, fruit-nut, lawn tree.
Ginkgo bilboa	Ginkgo	S	Pyramidal	Very urban, dioecious, females produce smelly fruits, golden yellow fall color.
“Fastigiata”	Sentry Ginkgo		Columnar	Seedless.
<i>Juglans nigra</i> ^{RF}	Walnut Eastern Walnut Black Walnut	F		Best in public open spaces or lawns; not to be used as a street tree; poisonous to other plants within the drip zone; susceptible to caterpillars and leaf-spot disease.
<i>*Quercus alba</i> ^{RF}	White Oak	S	Round	Extremely sensitive to soil compaction; tolerant of urban conditions; dry soil; subject to iron chlorosis; red fall color; very difficult to transplant; excellent lawn or shade tree.
<i>*Quercus bicolor</i> ^{RF}	Swamp White Oak	S	Round	Very tolerant of urban conditions; moist to wet, intolerant of alkaline soil; tolerates poor drainage; difficult to transplant; yellow fall color.
<i>*Quercus macrocarpa</i> ^{RF}	Bur Oak Mossycup Oak	S	Round	Sensitive to soil compaction; tolerant of urban conditions; dry to wet soil; no fall color; very difficult to transplant.
<i>*Quercus palustris</i>	Pin Oak	M	Pyramidal	Sensitive to soil compaction; tolerant of urban conditions; moist, acid soil; pendulous lower branches; red fall color; iron chlorosis on alkaline soil; lawn tree; cultivar “Sovereign” best for streets.
<i>*Quercus rubra</i> ^{RF} (also known as <i>Quercus Borealis</i>)	Northern Red Oak Red Oak	M	Round	Sensitive to soil compaction; tolerant of urban conditions; pyramidal when young; red fall color; well-drained soil; fast-growing for oaks; excellent lawn, shade, and street tree.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer nigrum</i>	Black Maple	M	Oval	Does well in poor, dry soils; red to bright gold fall color; excellent for lawn, shade, or street.
<i>Acer platanoides</i>	Norway Maple	M	Round	Shallow root system; not to be used along streets.
“Cleveland”		F	Oval-upright	Uniform, dense foliage
“Columnare”			Columnar	Indistinct central leader.
“Crimson King”				Keeps deep purple leaf color throughout summer; susceptible to sun scald, bark-splitting and transplant shock.
“Drummondii”	Harlequin Norway Maple	S	Round	Variegated, cream-edged leaves.
“Emerald Queen”		F	Oval	Vigorous; crisp foliage.
“Globosum”	Globe Norway Maple	S	Globe	Useful on a standard under utility wires; 20’ height.
“Greenlace”			Round	Deeply divided, fine-textured leaves.
“Royal Red”		S	Round	Best for purple summer foliage.
“Shwedleri”			Round	New foliage reddish; bronze by summer.
“Summershade”		F		Rapidly growing cultivar; deep green, large, leathery leaves.
* <i>Acer rubrum</i> ^{RF}	Red Maple Scarlet Maple Swamp Maple	F	Round	Moist, acid soil; tolerates poor drainage; smooth gray bark; yellow, orange, or red fall color; salt-sensitive.
“Armstrong”			Fastigate	No fall color; light gray bark.
“Autumn Flame”				Early scarlet fall color.
“Bowhall”			Oval	Orange fall color
“Red Sunset”				Late, scarlet fall color.
“Schlesingeri”				Red-orange fall color.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Acer saccharinum</i> ^{RF}	Silver Maple Soft Maple White Maple River Maple	F	Vase	Heart and fast-growing; most soil; tolerates poor drainage; fine-textured; weak-wooded (develops heart rots after fifty years, limbs may fall); yellowish or no fall color

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
“Blair”		Very Fast		Strong branch structure; storm-resistant.
“Pyramidale”	Upright Silver Maple		Pyramidal	Improved branch structure.
“Silver Queen”	Seedless Sugar Maple		Round	Seedless
“Wieri”	Cutleaf Sugar Maple			Shredded leaves; pendulous branches.
<i>Aesculus hippocastanum</i>	Horsechestnut	M	Round	Urban; coarse; showy, white May flowers; litter problem; no fall color; difficult to transplant; pest or disease problems may limit use.
<i>Alnus glutinosa</i>	European Alder Black Alder	F	Oval	Rich or wet soils; produces catkins; possible winterkill.
<i>Betula lutea</i> ^{RF}	Yellow Birch	M	Round	Drooping branches; moist well-drained soils; yellow-orange bark; rusty yellow fall color.
<i>Catalpa speciosa</i>	Northern Catalpa	F	Oval	Poor, dry soil; showy, white June flowers; coarse; litter problem; no fall color.
* <i>Celtis occidentalis</i> ^{RF}	Common Hackberry	M	Vase	Tolerates alkaline soils; “pebbled” bark; yellowish fall color; pest or disease problem may limit use.
* <i>Fagus grandifolia</i> ^{RF}	American Beech	S	Oval	Moist, rich soil; smooth, gray bark; yellow-bronze fall color; difficult to transplant; salt-sensitive; sensitive to soil compaction.
<i>Fagus sylvatica</i>	European Beech	S	Round	Moist, rich soil; less difficult to transplant than American Beech; several cultivars available; excellent lawn tree.

Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Gleditsia triacanthos inermis</i>			Vase	Tolerates poor drainage; thornless, as are all of the following; pest or disease problem may limit use; salt-tolerant; yellow fall color.
“Imperial”	Thornless Honeylocust	F	Round	Podless; low-growing; flat-topped; pest or disease problem may limit use.
“Shademaster”			Irregular	Podless; vase shape in age; pest or disease problem may limit use.
“Skyline”			Upright	Podless; tends to form central leader; good golden fall color; pest or disease problem may limit use.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
“Sunburst”			Irregular	Podless; yellow new foliage; poor branch structure; pest or disease problem may limit use.
<i>*Gymnocladus dioica</i>	Kentucky Coffeetree	M	Upright	Moist, rich soil; coarse and rugged; dioecious; yellowish fall color.
<i>Juglans cinerea</i> ^{RF}	Butternut	S		Needs good soil and consistent moisture; fairly good shade tree; susceptible to butternut decline.
<i>Larix decidua</i>	European Larch	F	Pyramidal	Full sun; graceful, fine-textured; transplant in spring before buds open; yellow fall color.
“Pendula”				Interesting weeping branches.
<i>Larix kaempferi</i>	Japanese Larch	F	Wide-Pyramidal	Similar to European Larch, more picturesque.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Larix laricina</i> ^{RF}	American Larch Tamarack	M	Narrow-Pyramidal	Hardy; drought tolerant; used in shelterbelts.
<i>Liriodendron tulipifera</i>	Tuliptree	F	Upright	Rich, moist soil; unique leaves and interesting June flowers; yellow fall color; purchase from northern source.
<i>*Platanus occidentalis</i>	Sycamore American Planetree	F	Pyramidal	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus alba</i> “Pyramidalis”	White Poplar	F	Fastigate	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus deltoides</i> ^{RF}	Eastern Poplar	Very fast	Fastigate	Hardy, fast growing; golden yellow fall color; tolerates drought; brittle; may produce "cotton"; too large for homes.
“Robusta”			Upright	Seedless.
“Siouxland”				Larger greener leaves; seedless; uniform in shape; hardy.
“Cottonless”				Seedless; many similar species available.
<i>Populus grandidentata</i> ^{RF}	Bigtooth Aspen	F	Narrow	Moist, sandy, gravelly soils; not shade tolerant; yellow fall color.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>*Prunus serotina</i> ^{RF}	Black Cherry	M	Oval	Dry soil; white flowers and black fruits in drooping racemes; orange fall color; pest or disease problem may limit use.
<i>Taxodium distichum</i>	Baldcypress	F	Pyramidal	Moist, intolerant of alkaline soil; tolerates poor drainage; sun; bronze fall color; fine texture; purchase from northern source.
<i>*Tilia americana</i> ^{RF}	American Linden Basswood Linden Tree Linn Tree	M	Round	Sensitive to soil compaction; salt-sensitive; coarse; rich soils.
<i>Tilia cordata</i>	Littleleaf Linden	S	Pyramidal	Urban; moist soil; fragrant flowers; poor branch structure, needs training while young; yellow fall color.
“Chancellor”				Uniform, upright habit.
“Greenspire”				Improved branching habit.
<i>Tilia x euchlora</i> “Redmond”	Redmond Linden	M	Pyramidal	Urban; dark green foliage.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Medium Deciduous Trees (15 landscaping points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Aesculus x carnea</i> "Briotii"	Ruby Horsechestnut	S	Round	Rich, most soil; red flowers.
<i>Aesculus glabra</i>	Ohio Buckeye	S	Round	Rich, moist soil; yellow-green flowers; orange fall color.
<i>Alnus glutinosa</i>	European Alder	F	Oval	Wet; tolerates poor drainage; catkins; cone fruits; no fall color.
* <i>Betula nigra</i> ^{RF}	River Birch	M	Vase	Wet to dry, intolerant of alkaline soils; tolerates poor drainage; pinkish, peeling bark.
* <i>Betula papyifera</i> ^{RF}	Paper Birch	M	Oval	Cool, moist soil; white, peeling bark; golden yellow fall color; pest or disease problem.
<i>Betula pendula</i> "Gracilis"	Cutleaf European Birch	M	Weeping	Cool, moist soil; dissected leaves; yellow fall color; pests & disease.
<i>Betula platyphylla japonica</i>	Japanese White Birch	M	Pyramidal	White bark; some resistance to bronze birch borer.
<i>Cercidiphyllum japonicum</i>	Katsuratree	M	Columnar	Moist soil; dioecious; form controlled by pruning, wide spreading if multi-trunked; yellow to red fall color.
<i>Cladrastis lutea</i>	American Yellowwood	S	Round	Moist, rich soil; smooth, light gray bark; fragrant, white June flowers in large clusters; yellow fall color.
<i>Magnolia acuminata</i>	Cucumbertree	F	Pyramidal	Inconspicuous, greenish flowers; pink to red fruits; coarse foliage; no fall color.
* <i>Nyssa sylvatica</i>	Black Gum	S	Pyramidal	Moist soil; tolerates poor drainage; dense habit; dioecious; orange to scarlet fall color; difficult to transplant.
<i>Phellodendron amurense</i>	Amur Corktree	M	Round	Urban; dry soil; dioecious; compound leaves; corky bark; yellow fall color.
<i>Prunus maackii</i>	Amur Chokecherry	M	Round	Amber exfoliating bark; does well in containers.
<i>Prunus padus commutata</i>	Harbinger European Bird Cherry	S	Round	Sun; early to leaf out in spring; pest or disease problem.
* <i>Prunus pennsylvanica</i> ^{RF}	Pin Cherry	M	Upright	Poor, dry soil; sun; graceful; shortlived; suckering; red fruits; orange to red fall color.
<i>Prunus sargentii</i>	Sargent Cherry	M	Upright	Sun, well-drained soil; early, pink flowers; red fall color.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Medium Deciduous Trees (15 landscaping points)
 (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Salix alba tristis</i>	Golden Weeping Willow	F	Weeping	Wet soil; tolerates poor drainage; bright yellow twigs; fine-textured; litter problem.
<i>Ulmus parvifolia</i>	Chinese Elm	M	Vase	Disease resistant; exfoliating bark.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer ginnala</i>	Amur Maple	M	Round	Sun, shade; red fruit; red fall color.
* <i>Alnus rugosa</i>	Speckled Alder	F	Round	Wet soil; tolerates poor soil; lenticled bark.
* <i>Amelanchier arborea</i> ^{RF}	Downy Serviceberry	S	Upright	Dry soil; shade; gray bark; white flowers; yellow to red fall color; edible fruits.
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	S	Spreading	Semi-shade; large, white flowers, edible fruits.
* <i>Amelanchier laevis</i>	Alleghany Serviceberry	S	Upright	Moist soil; shade; white flowers; orange to red fall color, edible fruits.
* <i>Carpinus caroliniana</i> ^{RF}	American Hornbeam	S	Spreading	Moist soil; shade; smooth, gray muscle-like trunks; orange fall color.
<i>Cercis canadensis</i>	Eastern Redbud	M	Spreading	Sun or shade; purplish-pink flowers; yellow fall color; purchase form northern source.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	M	Spreading	Cool, moist soil; shade; blue-black berries on red stalks; early, maroon fall color.
* <i>Crataegus crus-galli</i> "Inermis"	Thornless Cockspear Hawthorn		Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; no thorns.
<i>Crataegus laevigata</i> "Paulii"	Paul's Scarlet Hawthorn	S	Upright	Heavy soil; sun; double, scarlet flowers in late May; no fall color; pest or disease problem.
"Superba"	Crimson Cloud Hawthorn			Single, scarlet flowers; resistant to leaf spot.
<i>Crataegus x lavalleyi</i>	Lavalle Hawthorn	S	Upright	Urban; sun; glossy foliage; bronzy-red fall color.
* <i>Crataegus mollis</i>	Downy Hawthorn	S	Upright	Sun; large, red, early-ripening fruit; yellow fall color; pest or disease problem.
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	M	Upright	Urban; sun; latest blooming; small, persistent, orange-red fruits in clusters; orange fall color.
* <i>Crataegus punctata</i>	Dotted Hawthorn	S	Spreading	Moist, heavy soil; sun; picturesque; pest or disease problem may limit use.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Crataegus x "Toba"</i>	Toba Hawthorn	S		Sun; double, pink, fragrant flowers; glossy leaves; red fruits; dwarf-15.
<i>Elaeagnus angustifolia</i>	Russianolive	F	Round	Dry, alkaline soil; sun; fragrant, inconspicuous flowers; silver-gray foliage; no fall color; pest or disease problem may limit use.
<i>Magnolia x loebneri</i> "Merrill"	Dr. Merrill Magnolia	M	Pyramidal	Rich soil; sun; white, many-petaled flowers; difficult to transplant.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Magnolia x soulangiana</i>	Saucer Magnolia	S	Round	Rich soil; sun; large pink flowers; difficult to transplant.
<i>Malus</i> species & cultivars	Flowering Crabapples			All require sun and well drained soil. They all possess a high degree of resistance to the apple scab disease.
<i>Malus</i> "Adams"	Adams Flowering Crabtree	M	Spreading	Slightly susceptible to fire blight; rose-red flowers; 5/8" diam., persistent, deep red fruits.
<i>Malus baccata jackii</i>	Jack Flowering Crabtree	M	Upright spreading	Slightly susceptible to fire blight; white flowers; tiny 1/3-1/2" diam., dark red fruits.
<i>Malus</i> "Bob White"	Bob White Flowering Crabtree	M	Rounded	Moderately susceptible to fire blight; white flowers; 5/8" diam., persistent, yellow fruits.
<i>Malus</i> "Candied Apple"	Weeping Candied Apple Flowering Crabtree		Weeping	Slightly susceptible to scab; pink flowers; 5/8" diam., persistent cherry-red fruits; foliage tinged with red.
<i>Malus</i> "Centurian"	Centurian Flowering Crabtree		Narrow-Upright	Disease resistant; rose-red flowers; 5/8" diam., persistent, cherry-red fruits.
<i>Malus</i> "David"	David Flowering Crabapple	M	Rounded	Slightly susceptible to fire blight and scab; white flowers; 1/4-1 1/2" diam., reddish fruits for in alternate years.
<i>Malus</i> "Dolgo"	Dolgo Flowering Crabtree	M	Upright-Spreading	Slightly susceptible to fire blight and scab; white flowers; 1 1/4-1 1/2" diam., persistent red fruits.
<i>Malus</i> "Donald Wyman"	Donald Wyman Flowering Crabtree	M	Rounded	Disease-resistant; white flowers; 3/8" diam.; persistent red fruits.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Malus</i> "Dorothea"	Dorothea Flowering Crabtree	S	Horizontal	Moderately susceptible to scab; clear pink semi-double flowers; 1/2" diam., yellow fruits.
<i>Malus</i> "Gibb's Golden Gage"	Gibb's Golden Gage Flowering Crabtree		Rounded	Disease resistant; white flowers; 1" diam., persistent, yellow fruits.
<i>Malus</i> "Indian Summer"	Indian Summer Flowering Crabtree		Rounded	Disease resistant; rose-red flowers; 5/8-3/4" diam., red fruits.
<i>Malus</i> "Mary Potter"	Mary Potter Flowering Crabtree	S	Horizontal	Moderately susceptible to fire blight and scab; white flowers; 1/2" diam., red fruits; 10' height.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Malus</i> "Ormiston Roy"	Ormiston Roy Flowering Crabtree	M	Rounded	Slightly susceptible to fire blight; white flowers, 3/8" diam., persistent, yellow fruits.
<i>Malus</i> "Profusion"	Profusion Flowering Crabtree	M	Rounded-Spreading	Slightly susceptible to fire blight; rose-red flowers; 1/2" diam., deep red fruits; bronze-green foliage.
<i>Malus</i> "Red Jewel"	Red Jewel Flowering Crabtree		Horizontal	Moderately susceptible to scab; white flowers; 1/2" diam., persistent, bright red fruits.
<i>Malus</i> "Robinson"	Robinson Flowering Crabtree		Upright-Spreading	Disease resistant; rose-red flowers; 3/8" diam, persistent, bright red fruits, bronze-green foliage.
<i>Malus</i> "Sentinel"	Sentinel Flowering Crabtree		Narrow-upright	Slightly susceptible to fire blight and scab; pale pink flowers; 1/2" diam., persistent, bright red fruits.
<i>Malus</i> "White Cascade"	White Cascade Flowering Crabtree	S	Weeping	Disease resistant; white flowers, 1/2" diam., yellowish fruits.
* <i>Ostrya virginiana</i> ^{RF}	Hophornbeam	S	Pyramidal	Dry soil; shade; catkins; elm-like leaves; yellow fall color.
* <i>Prunus americana</i> ^{RF}	American Plum	F	Horizontal	Dry soil; sun; suckering habit; white flowers; yellow to orange fall color.
<i>Prunus cerasifera</i> "Newportii"	Newport Plum	M	Round	Sun; reddish-purple summer foliage.

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>*Prunus virginiana</i> ^{RF}	Chokecherry	M	Upright	Dry, infertile soil; suckering habit; white flowers; yellow to orange fall color.
“Canada Red” or “Shubert”	Shubert Chokecherry			Sun; foliage changes from green to purple in early summer.
<i>Pyrus calleryana</i> and cultivars	Callery Pear	M	Oval	Sun; early, white flowers; late red fall color.
<i>Salix matsudana</i> “Tortuosa”	Corkscrew or Contorted Willow	F	Upright	Wet soil; tolerates poor drainage; sun; twisted branches; pest or disease problem may limit use.
<i>Salix pentandra</i>	Laurel Willow	M	Round	Wet soil; sun; foliage glossy, dark green; dense habit.
<i>Sorbus alnifolia</i>	Korean Mountainash	S	Oval	Cool soil; simple leaves; small flowers and fruits; orange to red fall color; pest or disease problem.
<i>Sorbus aucuparia</i> and cultivars	European Mountainash	M	Oval	Cool soil; orange fruits; pest or disease problem
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>*Sorbus decora</i>	Showy Mountainash	S	Upright	Cool Soil; large, reddish fruits; pest or disease problem.
<i>Syringa reticulata</i>	Japanese Tree Lilac	S	Horizontal	Sun; large, pyramidal, cream-white flower clusters in June; tan fruits.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Tall Evergreen Trees (40 landscaping points)

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Abies concolor</i>	White Fir	M	70'	Dry soil; heat; gray-green foliage.
<i>Picea abies</i>	Norway Spruce	F	75'	Deep soil; dark green foliage; long cones; pendulous branchlets
<i>*Picea glauca</i> ^{RF}	White Spruce	M	50'	Moist soil; sun; light green needles.
<i>Picea omorika</i>	Serbian Spruce	S	50'	Sun; narrow habit; pendulous branchlets.
<i>Picea pungens</i> glauca	Blue Colorado Spruce	S	60'	Sun; urban; blue needles; stiff, formal habit.
<i>Pinus cembra</i>	Swiss Stone Pine	S	50'	Sun; narrow habit.
<i>Pinus nigra</i>	Austrian pine	M	50'	Sun; urban; stout, dark green needles, pest or disease problem.

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
* <i>Pinus resinosa</i> ^{RF}	Red Pine	F	50'	Dry soil; sun; reddish bark; yellow-green winter color.
* <i>Pinus strobus</i> ^{RF}	Eastern White Pine	M	75'	Moist soil; sun; picturesque; soft, green foliage, pest or disease problem.
<i>Pinus sylvestris</i>	Scots Pine	F	50'	Dry soil; sun; orange bark; bluish needles.
<i>Pseudotsuga menziesii</i>	Douglas Fir	M	70'	Half-shade; flat, dark green needles.
* <i>Tsuga Canadensis</i> ^{RF}	Canada Hemlock	M	75'	Moist soil; soft, feathery foliage.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Medium Evergreen Trees (20 landscaping points)

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
* <i>Thuja occidentalis</i> ^{RF}	American Arborvitae	M	40'	Wet soil; half-shade; light green, soft, scale-like foliage.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Low Evergreen Trees (10 landscaping points)

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Juniperus chinensis</i> "Keteleeri"	Keteleer Juniper	S	20'	Dry soil; sun; green foliage; large fruits.
<i>Juniperus chinensis</i> "Mountbatten"	Mountbatten Juniper	S	20'	Dry soil; sun; narrow, columnar form; large fruits.
* <i>Juniperus virginiana</i> ^{RF}	Eastern Red Cedar	S	20'	Dry soil; sun; brownish winter color.
"Burkii"	Burke Eastern Red Cedar			Fine-textured, gray-green foliage.
"Canaertii"	Canaert Eastern Red Cedar			Dark green, tufted foliage.
"Glauca"	Silver Eastern Red Cedar			Silver-gray foliage; informal habit.
"Hillii"	Hill Dundee Eastern Red Cedar			Gray-green foliage turns purple in winter, no fruits.
* <i>Picea glauca</i> ^{RF} "Densata"	Black Hills Spruce	S	20'	Dry soil; sun; narrow, dense habit.
<i>Taxus cuspidata</i>	Japanese Yew	S	20'	Shade; urban, deep green needles; often sold as <i>Taxus cuspidata</i> "Capitata"
* <i>Thuja occidentalis</i> ^{RF} "Fastigiata"	Pyramidal Arborvitae	M	25'	Narrow columnar form.

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
* <i>Thuja occidentalis</i> ^{RF} "Techny"	Techny Arborvitae	S	20'	Deep green foliage, year round.
KEY: *Wisconsin native S=Slow M=Medium F=Fast				

Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points)

Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Amelanchier sp.</i> (See also low trees)	Serviceberry	Upright	Shade; alkaline soil; white flowers; edible purple fruits; smooth, gray bark; yellow to orange fall color; fireblight a problem.
<i>Caragana arborescens</i>	Siberian Peashrub	Erect, Oval	Dry, alkaline soils; yellow flowers; green twig.
<i>Chionanthus virginicus</i>	Fringetree	Spreading	Moist soil; shade; white flowers; blue fruits; coarse.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	Spreading	Moist soil; shade; white flowers; blue fruits; horizontal branches; early, maroon fall color.
<i>Cornus mas</i>	Corneliancherry Dogwood	Oval	Shade; urban; yellow flowers in April; flower buds may be injured or killed during some winters; edible red fruits.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Cornus racemosa</i>	Gray Dogwood	Erect	Dry or wet soils; shade; white flowers; white fruits; purple fall color.
<i>Cornus sericea</i>	Redosier Dogwood	Spreading	Wet, moist soils; tolerates poor drainage; white flowers; white fruits; red twigs; often sold a <i>C. stolonifera</i> .
<i>Cornus sericea baileyi</i>	Bailey Redosier Dogwood	Erect	
<i>Cotoneaster multiflora</i>	Manyflowered Cotoneaster	Mounded	Sun; well-drained soil; white flowers; red fruits; very wide-spreading; pests/diseases.
<i>Elaeagnus umbellata</i>	Autumnolive	Spreading	Poor, dry soil; sun; fragrant flowers; edible, red fruits; twiggy.
<i>Euonymus alata</i>	Winged Euonymus	Spreading	Sun or shade; well-drained soil; corky, winged twigs; pink to rose fall color.
* <i>Euonymus atropurpurea</i>	Eastern Wahoo	Tree-like	Moist soil; shade; tiny, purplish flowers; orange to purple fall color.
<i>Euonymus europaea</i>	Spindletree of European Euonymus	Tree-like	Dry-soil; urban; striped bark; persistent pink fruit; orange to purple fall color.
"Aldenhamensis"	Aldenham European Euonymus		Bright pink fruit; shrubby form

Botanical Name	Common Name	Form	Adaptation and Remarks
“Redcap”	Redcap European Euonymus		Bright red fruit.
<i>Exochorda racemosa</i>	Pearlbush	Leggy	Sun; pearl-like flower buds; tan fruit capsules.
* <i>Hamamelis virginiana</i>	Common Witchhazel	Spreading	Shade; yellow October flowers.
<i>Hydrangea paniculata</i> “Grandiflora”	Peegee Hydrangea	Upright	Moist soil; white to pink flowers in August; persistent, tan flower clusters.
<i>Kolkwitzia amabilis</i>	Beautybush	Upright	Alkaline soil; sun; pink flowers in June; shredded bark; leggy.
<i>Ligustrum amurense</i>	Amur Privet	Erect	Dry soil; white flowers; black fruits; hedge plant
<i>Ligustrum vulgare</i> “Cheyenne”	Cheyenne Privet	Erect	Dry soil; urban; white flowers; black fruits; hedge plant.
<i>Lonicera x bella</i> “Candida”	White Belle Honeysuckle	Upright-mounded	Dry soil; white flowers; red fruits; may become weedy, pest problem.
<i>Lonicera tatarica zabelii</i>	Zabel Honeysuckle	Rounded	Dry soil; urban; red flowers; dense, red fruits; may become weedy, pest or disease problem, may be sold as <i>L. korolkowii zabelii</i> .
<i>Magnolia stellata</i>	Star Magnolia	Rounded	Rich soil; white flowers; orange fruits; finest textured magnolia.
* <i>Physocarpus opulifolius</i>	Eastern Ninebark	Vase	Dry soil; semi-shade; white flowers; red, capsular fruit; shredded bark; course.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Prunus tomentosa</i>	Manchu Cherry	Rounded	Dry soil; sun; white flowers; edible, red fruits.
<i>Prunus triloba</i>	Double Flowering Plum	Rounded	Sun; double, pink flowers; no fruit.
<i>Rhamnus frangula</i> “Columnaris”	Tallhedge Glossy Buckthorn	Columnar	Moist soil; shade; red to black fruits; holds leaves late.
* <i>Rhus glabra</i>	Smooth Sumac	Suckering	Dry soil; sun; persistent red fruits; smooth stems; scarlet fall color.
<i>Rhus typhina</i>	Staghorn Sumac	Suckering	Dry soil; sun; persistent red fruits; felty stems; orange to red fall color.
<i>Rhus typhina</i> “Dissecta”	Shredleaf Staghorn Sumac	Picturesque	Dry soil; sun; red fruits; dissected leaves, orange to red in fall.
<i>Salix caprea</i>	Goat Willow or French Pussy Willow	Oval	Wet or dry soil; sun; large silver catkins in early spring.
<i>Shepherdia argentea</i>	Buffaloberry	Irregular	Dry soil; sun; yellowish flowers; dioecious; edible red fruits; silvery foliage.

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>*Staphylea trifolia</i>	American Bladdernut	Upright	Moist soil; shade; whitish flowers; green to brown, bladder-like fruits; white-striped bark.
<i>Syringa x chinensis</i>	Chinese Lilac	Vase	Dry, alkaline soil; purple-lilac flowers; fine texture.
<i>Syringa x hyacinthiflora</i> cvs.	Hyacinth Lilacs	Upright	Sun; white, pink, lilac, purple flowers; early blooming.
<i>Syringa x prestoniae</i> cvs.	Preston Lilacs	Rounded	Sun; pink to purple flowers; late-blooming; coarse textured.
<i>Syringa reticulata</i>	Japanese Tree Lilac	Tree-like	Sun; white flowers in June; tan fruits; cherry-like bark; often sold as <i>S. amurensis japonica</i> .
<i>Syringa vulgaris</i> cvs	Common Lilac	Upright	Well-drained soil; sun; white, pink, lilac, purple, fragrant flowers; pest or disease problem may limit use.
<i>Tamarix ramosissima</i>	Tamarisk	Irregular	Dry soil; sun; tiny, pink flowers; very fine texture; often sold as <i>T. pentandra</i> .
<i>Viburnum dentatum</i>	Arrowwood Viburnum	Vase	Moist soil; shade; white flowers in June; blue fruits; maroon fall color.
<i>Viburnum lantana</i>	Wayfaringtree Viburnum	Upright	Dry soil; shade; white flowers; red to black fruits; late maroon fall color.
<i>*Viburnum lentago</i>	Nannyberry Viburnum	Upright	Moist or dry soil; sun or shade; white flowers; black fruits; leggy; maroon fall color; pest or disease problem.
<i>*Viburnum prunifolium</i>	Blackhaw Viburnum	Spreading	Dry soil; shade; white flowers; black fruits; single or multi-trunked; maroon fall color.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Viburnum sieboldii</i>	Siebold Viburnum	Tree-like	Rich soil; white flowers; red to black fruits; large, coarse leaves.
<i>Viburnum trilobum</i>	American Cranberrybush Viburnum	Upright	Moist soil; shade; lacy, white flowers; persistent, edible fruits.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Medium Deciduous Shrubs (3 landscaping points)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Aronia arbutifolia</i>	Red Chokeberry	Erect	Wet soil; shade; tolerates poor drainage; white flowers; red fruits; red fall color.
<i>Cornus alba</i> "Argenteomarginata"	Creamedge Dogwood	Mounded	Moist soil; white flowers; white fruit; variegated foliage.
<i>*Corylus americana</i>	American Filbert or Hazelnut	Rounded	Dry soil; shade; catkins in March; orange fall color.

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	Mounded	Dry alkaline soil; red fruits; fine texture; late maroon fall color; not fully hardy in zone indicated—needs a special site or ideal conditions.
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	Upright	Dry soil; shade; black fruits; orange to maroon fall color; good hedge plant; <i>C. acutifolius</i> is similar.
<i>Euonymus alatus</i> “Compacta”	Dwarf Winged Euonymus	Spreading	Sun or shade; pink and orange fruits; red fall color.
<i>Forsythia x intermedia</i> <i>cvs.</i>	Border Forsythia	Vase	Sun; urban; large, pale to yellow flowers; flower buds may be injured or killed at temperatures lower than -14°F.
<i>Forsythia ovata</i>	Early Forsythia	Mounded	Sun; urban; smaller, earlier, yellow flowers; flower buds may be injured or killed at temperatures lower than -25°F.
<i>Forsythia suspensa</i>	Weeping Forsythia	Mounded	Sun; urban; yellow flowers; slender, drooping twigs; flower buds may be injured or killed at temperatures lower than -15°F.
* <i>Ilex verticillata</i>	Winterberry	Upright	Wet, acid soil; tolerates poor drainage; dioecious; red fruits.
<i>Ligustrum obtusifolium</i> <i>regelianum</i>	Regel's Border Privet	Spreading	Dry soil; shade; white flowers; blue-black fruits; late, purple fall color.
<i>Malus sargentii</i> “Tina”	Sargent Crabapple	Spreading	Disease resistant; 5' mature height.
<i>Myrica pensylvanica</i>	Bayberry	Upright	Dry soil; sun; gray, fragrant fruits; dioecious; semi-evergreen; suckering.
<i>Philadelphus x virginialis</i> “Glacier”	Glacier Mockorange	Rounded	Sun; double, white, fragrant flowers.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Medium Deciduous Shrubs (3 landscaping points)
(continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Prunus x cistena</i>	Purple-leaved Sand Cherry	Rounded	Dry soil; sun; white flowers; purple foliage all season.
<i>Rhodotypos scandens</i>	Jetbead	Spreading	Dry soil; shade; white flowers; sparse red fruits; fine texture.
<i>Rosa hugonis</i>	Father Hugo Rose	Vase	Poor soil; sun; yellow flowers; sparse red fruits; fine texture.
<i>Rosa rugosa cvs.</i>	Rugosa Rose	Rounded	Dry soil; sun; white, yellow, pink, or red flowers; large edible red fruits; fall color; wrinkled leaves; tolerant of salt.
* <i>Rosa setigera</i>	Prairie Rose	Sprawling-mounded	Sun; pink flowers in July; red fruits; orange fall color; can be used as a climber.
<i>Spiraea prunifolia</i>	Bridalwreath Spirea	Upright	Sun; double, white flowers; orange to red fall color.

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Spiraea thunbergii</i>	Thunberg Spirea	Vase	Sun; white flowers; yellow to orange fall color; fine-textured.
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea	Vase	Sun; white flowers; arching branches.
<i>Syringa meyeri</i> “Palibin”	Palibin Lilac	Rounded	Sun; purple flowers; dense; fine-textured; good informal hedge plant often sold as <i>S. palibiniana</i> .
<i>Viburnum carlesii</i>	Koreanspice Viburnum	Rounded	Shade; urban; pink to white, fragrant flowers; blue-black fruits; red fall color.
* <i>Viburnum cassinoides</i>	Witherod Viburnum	Rounded	Wet, acid soil; tolerates poor drainage; white flowers; pink to red to blue fruits; red fall color.
<i>Weigela florida</i>	Old-fashioned Weigela	Spreading	Well-drained soil; pink, funnel-shaped flowers.
<i>Weigela x 'Vanicekii'</i>	Vanicek Weigela	Spreading	Well-drained soil; red flowers.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Acanthopanax sieboldianus</i>	Fiveleaf Aralia	Upright	Dry soil; shade; urban; leaves palmately compound; thorny.
* <i>Amelanchier stolonifera</i>	Running Serviceberry	Suckering	Dry soil; shade; white flowers; edible fruits; orange fall color.
* <i>Aronia melanocarpa</i>	Black Chokeberry	Suckering	Wet soil; shade; white flowers; black fruits; red fall color.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point) (continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Berberis thunbergii</i>	Japanese Barberry	Mounded	Dry soil; shade; red fruits; orange fall color; thorns; good hedge plant.
“Atropurpurea”	Redleaf Japanese Barberry		Sun; red summer foliage.
“Crimson Pygmy”	Crimson Japanese Barberry	Low-mound	Sun; red summer foliage; 2' tall.
<i>Buxus microphylla koreana</i>	Korean Littleleaf Box	Rounded	Shade; broadleaf evergreen; good hedge plant.
<i>Chaenomeles japonica alpina</i>	Dwarf Japanese Floweringquince	Spreading	Dry soil; urban; orange flowers; yellow, edible fruits; dense; 1' tall; flower buds may be injured or killed during some winters.

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	Mounded	Dry soil; red fruits; red fall color.
<i>Deutzia x lemoinei</i> "Compacta"	Compact Lemoine Deutzia	Rounded	Well-drained soil; white flowers.
* <i>Diervilla lonicera</i>	Dwarf Bushhoneysuckle	Mounded	Dry soil; shade; yellow flowers; good bank cover.
<i>Forsythia viridissima</i> "Bronxensis"	Bronx Forsythia	Low-mound	Sun; small yellow flowers; fine texture; purple fall color.
<i>Hydrangea arborescens</i> "Annabelle"	Annabelle Hydrangea	Mounded	Moist soil; shade; white, clustered flowers; dense; blooms on new wood.
<i>Hydrangea arborescens</i> "Grandiflora"	Snowhill Hydrangea	Mounded	Smaller flower clusters and less dense than <i>Hydrangea arborescens</i> "Annabelle."
* <i>Hypericum kalmianum</i>	Kalm's St. Johnswort	Rounded	Dry soil; sun; yellow flowers; shiny brown twigs.
<i>Lonicera x xylosteoides</i> "Clavey's Dwarf"	Clavey's Dwarf Honeysuckle	Rounded	Dense growth; good hedge or screening plant.
<i>Lonicera xylosteum</i> "Nanum"	Emerald Mound Honeysuckle	Mounded	Lower growing than preceding; 2'-3'.
<i>Mahonia aquifolium</i> "Mayhan"	Mayhan Oregongrape	Suckering	Shade; urban; yellow flowers; blue fruits; holly-like evergreen foliage; not fully hardy in zone - need special site or ideal conditions.
<i>Philadelphus coronarius</i> "Aureus"	Golden Mockorange	Rounded	Sun; white flowers; yellow summer foliage.
<i>Philadelphus x lemoinei</i> "Mont Blanc"	Mont Blanc Mockorange	Mounded	Sun; single; white, fragrant flowers; dense.
<i>Physocarpus opulifolius</i> "Nanus"	Dwarf Common Ninebark	Rounded	Dry soil; shade; creamy-white flowers; red capsular fruits; shredded bark.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point) (continued)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>*Potentilla fruticosa</i> cvs.	Bush Cinquefoil	Mounded	Dry soil; sun; yellow and white flowers; blooms all summer.
<i>Prunus glandulosa</i> "Sinensis"	Pink Dwarf Flowering almond	Rounded	Sun; light soil; double, pink flowers; no fruits; narrow leaves.
<i>Rhododendron x kosteranum</i>	Mollis Hybrid Azaleas	Spreading	Moist, acid soil; pink flowers; red fall color.
<i>Rhododendron x</i> "PJM Hybrid"	PJM Hybrid Rhododendron	Rounded	Moist, acid soil; shade; lavender flowers; evergreen leaves turn purple in autumn.
<i>*Rhus aromatica</i>	Fragrant Sumac	Mounded	Dry soil; sun; red fruits; fragrant foliage; turns orange-maroon in fall.
"Gro-Low"	Gro-low Fragrant Sumac		Uniform 2 1/2' height; glossy leaves.
<i>Ribes alpinum</i>	Alpine Currant	Rounded	Shade; urban; good hedge plant.
<i>Rosa virginiana</i>	Virginia Rose	Suckering	Dry soil; pink flowers; red fruits; red stems; good bank cover.
<i>Salix repens argentea</i>	Silver Creeping Willow	Spreading	Moist soil; sun; silvery foliage.
<i>Spiraea x arguta</i> "Compacta"	Compact Garland Spirea	Mounded	Sun; white flowers; fine texture.
<i>Spiraea x billiardii</i>	Billiard Spirea	Upright	Sun; pink flowers, in July and August.
<i>Spiraea x bumalda</i> "Anthony Waterer"	Anthony Waterer Spirea	Rounded	Dry soil; sun; raspberry red flowers; unattractive fruits.
<i>Spiraea x bumalda</i> "Froebelii"	Froebel Spirea	Rounded	Dry soil; sun; raspberry red flowers; orange to maroon fall color.
<i>Spiraea japonica alpina</i>	Daphne Spirea	Low-mound	Sun; pale pink flowers in July; 10" height.
<i>Spiraea nipponica</i> "Snowmound"	Snowmound Spirea	Mounded	Sun; white flowers; blue-green foliage; possible disease problem.
<i>Symphoricarpos rivularis</i>	Snowberry	Vase	Dry soil; shade; tiny pink flowers; showy white fruits; often sold as <i>S. albus laevigatus</i> .
<i>Symphoricarpos orbiculatus</i>	Indian currant Coralberry	Suckering	Dry soil; shade; pink fruits; good bank cover.
<i>Viburnum opulus</i> "Compactum"	Compact European Cranberrybush Viburnum	Rounded	Shade; white flowers; persistent, red fruit; dense habit.
<i>Viburnum opulus</i> "Nanum"	Dwarf European Cranberrybush Viburnum	Globe	Shade; no flowers or fruits; twiggy.
KEY: *Wisconsin native			

Detailed Classification of Plant Species: Medium Evergreen Shrubs (5 landscaping points)

Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis</i>				
“Ames”	Ames Juniper	9'	Broad pyramid	Sun; bluish green foliage.
“Blaauw”	Blaauw Juniper	4'	Upright-vase	Sun; grayish blue foliage.
“Herzii”	Herz Blue Juniper	15'	Ascending-Spreading	Sun; silvery blue foliage.
“Maney”	Maney Juniper	6'	Upright, bushy	Sun; bluish green foliage.
“Old Gold”	Old Gold Juniper	4'	Spreading	Sun; green with gold tips.
“Pfitzerana”	Pfitzer Juniper	6'	Wide-spreading	Sun; green foliage; no fruits.
“Pfitzerana Glauca”	Blue Pfitzer Juniper	5'	Spreading	Sun; blue-gray foliage.
* <i>Juniperus communis depressa</i>	Oldfield Common Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus sabina</i> “Von Ehren”	Von Ehren Savin Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus squamata</i> “Meyeri”	Meyer Singleseed Juniper	5'	Picturesque	Sun; blue foliage.
<i>Picea glauca</i> ^{RF} “Conica”	Dwarf Alberta Spruce	7'	Pyramidal	Shelter from winter sun; light green foliage.
<i>Pinus mugo</i>	Mugo Pine	4'	Mounded	Dry soil; sun; green foliage.
<i>Taxus cuspidata</i> “Expansa”	Spreading Japanese Yew	6'	Spreading	Shade; urban; dark green foliage; needs ideal conditions.
<i>Taxus cuspidata</i> “Nana”	Dwarf Japanese Yew	4'	Mounded	Shade; urban very dark green foliage; needs ideal conditions.
<i>Taxus x hunnewelliana</i>	Hunnewell Yew	6'	Spreading	Shade; green
<i>Taxus x media cvs.</i>	Anglojapanese Yew	1-10'	Round or upright	Shade; very dark green; needs ideal conditions.
<i>Thuja occidentalis</i> ^{RF} “Robusta”	Ware American Arborvitae	8'	Broad Pyramid	Wet soil; half-shade; dark green foliage. Often sold as <i>T.o.</i> “Wareana”
<i>Thuja occidentalis</i> ^{RF} “Woodwardii”	Woodward Globe American Arborvitae	6'	Globe	Wet soil; half-shade; bright green.
KEY: *Wisconsin native				

Detailed Classification of Plant Species: Low Evergreen Shrubs (3 landscaping points)

Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis procumbens</i>	Japanese Garden Juniper	2'	Creeping	Sun; blue-green, year-round foliage.
<i>Juniperus chinensis sargentii</i>	Sargent Juniper	1'	Creeping	Sun; green; or blue-green in cv. "Glauca"
* <i>Juniperus horizontalis</i>	Creeping Juniper	1'	Creeping	Dry soil; sun; variable color-brown in winter.
"Bar Harbor"	Bar Harbor Juniper	8"	Creeping	Dry soil; sun; bluish green foliage; salty in winter.
"Douglasii"	Waukegan Juniper	18"	Creeping	Dry soil; sun; steel blue; purplish in winter.
"Plumosa"	Andorra Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
"Prince of Wales"	Prince of Wales Juniper	4-6"	Prostrate	Dry soil; sun; bright green; bronzed in winter.
"Wiltonii"	Blue Rug Juniper	4-6"	Flat-trailing	Dry soil; sun; silvery blue.
"Youngstown"	Youngstown Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
<i>Juniperus sabina</i>				
"Arcadia"	Arcadia Savin Juniper	18"	Low-spreading	Sun; green.
"Broadmoor"	Broadmoor Savin Juniper	2'	Mounded	Sun; soft grayish green; fine textured.
"Skandia"	Skandia Savin Juniper	12"	Low-spreading	Sun; grayish blue.
"Tamariscifolia"	Tamarix Savin Juniper	2'	Dense, spreading	Sun; bluish green; pest or disease problem.
KEY: *Wisconsin native				

Detailed Classification of Plant Species: Non-Contributing Species (0 points)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer negundo</i>	Boxelder			Weed tree.
	Buckthorn			Invasive
	Crown Vetch			Invasive ground cover; aggressive.
<i>Crataegus crus-galli</i>	Cockspur Hawthorn	S	Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; evil thorns.
KEY: *Wisconsin native				

Detailed Classification of Plant Species: Non-Contributing Species (0 points) (continued)

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Gleditsia triacanthos</i> ^{RF}	Common Honeylocust	F	Vase	Urban; tolerates poor drainage; salt tolerant; dioecious, females produce pods; fine-textured foliage; wicked thorns; yellow fall color; pest or disease problems may limit use.
<i>Lonicera x bella</i>	Belle Honeysuckle			Dry soil, white flowers; red fruits; <i>may become weedy</i> , pest problem.
<i>Lonicera tatarica</i>	Tatarian Honeysuckle			Dry soil; urban, pink to white flowers; dense, red fruits; <i>may become weedy</i> , pest or disease problem.
<i>Lonicera morrowi</i>	Morrow Honeysuckle			Urban, dense, white flowers, pest and disease problem, <i>weedy</i> .
	Purple Loosestrife			Perennial, common marsh plant, may choke out native plants.
<i>Rhamnus cathartica</i>	Common Buckthorn			Becomes weak.
<i>Rhamnus frangula</i>	Glossy Buckthorn			Becomes weak.

^{RF} refers to reforestation. Marked species are native to Wisconsin, and recommended for reforestation efforts by the Wisconsin DNR. (See Section 78.609.)

The following sources were used in compiling the preceding lists of plant species:

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