Date: August 29, 2016

To: City of Washburn Common Council
Scott Griffiths, Mayor
Scott Kluver, City Administrator

From: Tim Schwecke, AICP

Subject: Washburn zoning code rewrite project

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As requested, I have revised the proposed zoning code as discussed at your meeting on August 22, 2016. The final draft, including the zoning map is attached. The revisions are listed below.

The revisions were also made in the zoning Website. cityofwashburn.zoninghub.com

General
Used sequential page numbering and set it up so that each article begins on the front side of the page (odd number).

Article 1
No revisions

Article 2
No revisions

Article 3

1. Added a definition for Artisan shop, Type I and II (page 37)
2. Added a definition for Livestock for Vegetation Management (page 41)
3. Removed the definition for Airport, Bulk Fuel Storage, and Salvage Yard

Article 4
No revisions

Article 6
No revisions

Article 7

1. Added procedures for Wireless Telecommunication Facilities per state statute (page 81-84)
2. Made revisions to land-use matrix
   - Removed Airport, Bulk Fuel Storage, and Salvage Yard
   - Added Artisan shop, Type I and II
   - Manufacturing - now a CU in C-3 district
   - Added Livestock for vegetation management
   - Revised table for Wireless Telecommunication Facilities

Article 8

1. Removed development standards for Airport, Bulk Fuel Storage, and Salvage Yard
2. Added development standards for Artisan shop, Type I and II (page 177)
3. Added development standards for Livestock for vegetation management (page 192)

Article 9
No revisions

Article 11
No revisions

Article 12
No revisions

Article 13
No revisions

Article 14
No revisions

Article 16
No revisions

Article 17

1. Removed parking standards for Airport, Bulk Fuel Storage, and Salvage Yard
2. Added parking standards for Artisan shop, Type I and II (page 253)
3. Added parking standards for Livestock for vegetation management (page 254)

Article 18
No revisions

Article 19
No revisions

Article 21
No revisions

Article 22
No revisions

Appendix A
No revisions

Appendix B

1. Revised the minimum lot width for the R-6 district
2. Revised the minimum living area for single-family residences in the R-1, R-2, and R-6 districts
3. Revised the maximum garage area in the R-1, R-2, R-6, and R-7 districts

Title 13
Chapter 1 – Zoning Code

Article

1. General Provisions
2. Interpretation and Construction
3. Definitions
4. Administrative Bodies
5. Reserved
6. General Procedural Requirements
7. Specific Procedural Requirements
8. Land Use
9. Floodplain Overlay District
10. Reserved
11. Shoreland-Wetland Overlay District
12. Wellhead Protection Overlay District
13. Shoreland Overlay District
14. Downtown Design Overlay District
15. Reserved
16. Landscaping
17. Parking and Loading Facilities
18. Signs and Murals
19. Outdoor Lighting
20. Reserved
21. Nonconformities
22. Enforcement

Appendix

A. Mapping Requirements
B. Dimensional Standards

TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 1
GENERAL PROVISIONS

Sections

1-1	Name	1-10	Additional local regulations
1-2	Authority	1-11	Relationship of this chapter to other regulations
1-3	Jurisdiction	1-12	Relationship of this chapter to private agreements
1-4	Legislative findings	1-13	Applicability to public entities
1-5	Purpose	1-14	Applicability to projects under the purview of the Public Service Commission
1-6	Re-enactment and repeal	1-15	No defense to nuisance action
1-7	Applicability	1-16	Copyright protection
1-8	Liability		
1-9	Severability		

1-1 Name

This chapter shall be known as the "Zoning Code, City of Washburn, Wisconsin" and may be referred to herein as this "chapter."

1-2 Authority

(a) **Generally**. This chapter is adopted under the authority granted by s. 62.23(7), Wis. Stats.

(b) **Floodplain regulations**. Provisions relating to floodplain development are adopted under authority granted by s. 62.23(7), Wis. Stats., and the requirements in s. 87.30, Wis. Stats.

(c) **Shoreland-wetland regulations**. Provisions relating to shoreland regulations are adopted under authority granted by s. 62.231, Wis. Stats.

(d) **Wellhead protection**. Provisions relating to wellhead protection are adopted under authority granted by s. 62.23(7), Wis. Stats.

(e) **Shoreland regulations**. Provisions relating to shoreland regulations are adopted under authority granted by s. 62.233, Wis. Stats.

1-3 Jurisdiction

This chapter shall only apply to that land lying within the City of Washburn, the boundary of which may change over time through annexations and detachments.[1]

1-4 Legislative findings

(a) **General findings**. The Common Council makes the following legislative findings:

(1) The Common Council adopted a comprehensive plan on April 9, 2007 pursuant to s. 66.1001, Wis. Stats.

(2) This chapter is intended to be consistent with and further the overall intent of the city's comprehensive plan, as may be amended.

(b) **Other findings**. Other legislative findings are included in various articles, divisions, and sections of this chapter as may be appropriate.

1-5 Purpose

(a) **General purpose**. This chapter promotes the public health, safety, and welfare and is intended to:

[1] Commentary: An annexation removes land from a town and adds it to a city or village. A detachment removes land from a city or village and adds it to a town or to another city or village.

(1) implement the goals, objectives, and policies of the city's comprehensive plan to the greatest extent practicable;

(2) encouarge the most appropriate use of land throughout the city;

(3) conserve the value of buildings;

(4) establish clear and consistent standards, regulations, and procedures for the review of proposed development as may be regulated by this chapter; and

(5) establish minimum standards for the use or development of land within the city.

(b) **Specific purposes**. Pursuant to s. 62.23(7), Wis. Stats., this chapter is intended to:

(1) secure safety from fire, panic, and other dangers;

(2) promote health and general welfare;

(3) provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;

(4) encourage the protection of groundwater resources;

(5) prevent the overcrowding of land;

(6) avoid undue concentration of population;

(7) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

(8) preserve burial sites, as defined in s. 157.70(1)(b), Wis. Stats.

(c) **Other purposes**. Other purposes may be included in various articles, divisions, and sections of this chapter as may be appropriate.

1-6 Re-enactment and repeal

This chapter carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters which the Common Council adopted under authority of state law prior to the effective date of this chapter. This chapter is not intended to repeal those regulations in their entirety, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter. If a provision in the regulations which were in effect on the date this chapter became effective is not specifically carried forward in this chapter, such provision is repealed. As to the effect of this section on existing land uses refer to Article 21.

1-7 Applicability

(a) **Generally**. Except as specifically provided, the provisions of this chapter shall apply to all development within the City of Washburn. No development shall be undertaken without the prior authorizations required by this chapter and other applicable rules and regulations of the City of Washburn.

(b) **Previously granted permit or other approval, an exception**. If a permit or other approval is granted and the authorized work, in whole or in part, is no longer allowed under the current zoning regulations, the holder of the permit is authorized to establish the use or undertake the authorized work within one year of the date of the approval.

If the authorized work does not commence within that time period and continue in good faith to completion, such permit or other approval shall lapse and be null and void.

(c) **Establishment of a use, structure, building not requiring authorization, an exception**. If prior to the adoption of this chapter, or amendment thereto, a land use, structure, or building is actively being established that did not require a permit or other approval under the zoning regulations in effect at that time, said work may continue to completion even when such land use, structure, or building (1) now requires a permit or other authorization under this chapter, (2) is being developed contrary to this chapter, or (3) is otherwise prohibited under this chapter.

1-8 Liability

(a) **Generally**. The City of Washburn and its officials, agencies, employees, agents, and assigns shall not be liable for any flood damage, sanitation problems, structural damage, or other damages or loss of property value that may occur as a result of reliance upon and conformance with this chapter.

(b) **Floodplain development**. The flood protection standards in this chapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages.

1-9 Severability

(a) If any section, clause, provision, or portion of this chapter is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected by such ruling.

(b) If any application of this chapter to a particular structure or parcel is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not apply to any other structure or parcel not specifically included in the ruling.

1-10 Additional local regulations

In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations in the municipal code of the City of Washburn, including the following:

(1) Licensing and Regulation (Title 7)

(2) Subdivision Regulations (Title14)

(3) Building Code (Title 15)

In all cases, the strictest of the applicable provisions shall apply.

1-11 Relationship of this chapter to other regulations

In addition to meeting the requirements contained in this chapter, development shall comply with all applicable regulations of the City of Washburn and federal and state agencies. In all cases, the strictest of the applicable provisions shall apply.

1-12 Relationship of this chapter to private agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter shall apply.

1-13 Applicability to public entities

This chapter shall apply to all publicly-owned land to the fullest extent allowed by state and federal law. When a public entity undertakes any development that is exempted by state and federal law from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

1-14 Applicability to projects under the purview of the Public Service Commission

This chapter shall apply to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law.[2] The Plan Commission or the Common Council, or both, may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

1-15 No defense to nuisance action

Compliance with the standards and requirements in this chapter shall not constitute an absolute defense to an action to abate a public or private nuisance.

[2] Commentary: See s. 196.491(3)(i), Wis. Stats., and also *American Transmission Co., LLC v. Dane County*, 2009 WI App. 126

1-16 Copyright protection

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 2
INTERPRETATION AND CONSTRUCTION

Sections

2-1	General rules	2-6	References to state and federal law
2-2	Interpretation	2-7	Interpretation of boundaries and designations for base zoning districts
2-3	Delegation of authority	2-8	General rules of interpretation
2-4	Internal conflicts	2-9	Computation of time
2-5	Use of graphics, illustrations, headings, references, and commentary notes	2-10	Fractions

2-1 General rules

(a) **Generally**. In the interpretation and application of this chapter, all provisions shall be construed so the true intent and meaning of this chapter is carried out as set forth in s. 1-5.

(b) **Minimum requirements**. The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other power granted by state statute.

2-2 Interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, standard methods of statutory construction shall be applied.

2-3 Delegation of authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform an administrative act, such individual may designate, delegate, or authorize a subordinate to perform the administrative act unless state law or the provision clearly specifies otherwise.

2-4 Internal conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

2-5 Use of graphics, illustrations, headings, references, and commentary notes

(a) **Purpose**. Graphics, illustrations, headings, references, statutory citations, and commentary notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Commentary notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.

(b) **Interpretation**. A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

(c) **Effect of deficiency**. Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or commentary note.

2-6 References to state and federal law

If a provision in this chapter references a requirement in state law, and that law is subsequently amended, this chapter shall reflect that change.

If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement section shall control. If a referenced section is repealed and not replaced, the repealed section shall control if it is determined by the city attorney that the city has the authority to apply the repealed language.

2-7 Interpretation of boundaries and designations for zoning districts

(a) **Boundary line interpretations**. Interpretations regarding boundaries of zoning districts shall be made consistent with the following rules:

(1) **Municipal boundaries**. A boundary shown as following, or approximately following, any municipal boundary shall be construed as following such line.

(2) **Section lines**. A boundary shown as following, or approximately following, a section line, half-section line, or quarter-section line shall be construed as following such line.

(3) **Property lines**. A boundary shown as following, or approximately following, any property boundary line shall be construed as following such line.

(4) **Centerlines**. A boundary shown as following, or approximately following, any railroad, alley, road, street, highway, or similar feature shall be construed as following the centerline of such feature.

(5) **Natural boundaries**. A boundary shown as following, or approximately following, any natural feature such as a stream, river, canal, other bodies of water, or topographical features, such as a watershed boundary, shall be construed as following such natural feature as verified by field inspection when necessary.

(6) **Shorelines**. A boundary shown as following, or approximately following, a shoreline shall be construed as following the shoreline. In the event the location of the shoreline moves over time, the boundary shall move as well.

(7) **Line extensions**. A boundary shown as an extension of a straight line for any of the preceding shall be so construed.

In the event there is an unresolved question as to the location of a zoning district boundary, the Plan Commission shall review such matter at a regular or special meeting and render a decision.

(b) **Street abandonment**. In the event a public road, street, or alley is officially vacated or abandoned, the zoning provisions applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley, unless otherwise provided by city action.

2-8 General rules of interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

(1) **Gender**. Words of the masculine gender include the feminine and neuter, and vice versa.

(2) **Singular and plural words**. Words in the singular include the plural and words in the plural include the singular.

(3) **Tense**. Words in the present tense include the past and future tense, and the future tense includes the present tense.

(4) **"Must", "shall" and "will"**. The words "must", shall" and "will" imply a mandatory condition.

(5) **"May" or "should"**. The words "may" and "should" imply a permissive condition.

(6) **"Includes" or "including"**. The words "includes" or "including" shall not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.

(7) **"Such as"**. The phrase "such as" shall not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) **Conjunctions**. When used at the end of a series, the word "and" indicates that all listed items apply. When the word "or" is used at the end of a series, it indicates that one or more of the listed items apply.

2-9 Computation of time

When a time period is specified in this chapter, the first day of the period shall be the first day after the event that triggered the time clock to start. If the last day of the time period is a Saturday, Sunday, or a legal holiday recognized by the state of Wisconsin, that day shall be excluded and the time period shall be extended to the next business day. For any time period 10 days or less, Saturdays, Sundays, and legal holidays recognized by the state of Wisconsin shall not be counted.

2-10 Fractions

(a) **Required quantities**. When a calculation is made to determine the minimum number of a required quantity (e.g., parking spaces) and results in a fraction, the number shall be rounded up to the next whole number.

(b) **Allowable units**. When a calculation is made to determine the number of dwelling units that may be allowed based on a density factor and results in a fraction, the number shall be rounded down to the next whole number.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 3
DEFINITIONS

Sections

3-1	General definitions
3-2	Land use definitions

3-1 General definitions

(a) **Words and phrases not defined**. Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(b) **Words and phrases defined**. For the purpose of this chapter, certain words and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

(1) **A Zone** Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(2) **Abandoned sign** A sign that for more than 60 calendar days has not correctly advertised a bona fide business, lessor, owner, product, or activity conducted on or off the intended premises, or a product available on the premises where the sign is displayed or elsewhere.

(3) **Abutting** Having a common property line.

(4) **Accessory building** See building, accessory

(5) **Accessory use** See land use, accessory

(6) **Acre** A unit for measuring surface area. One acre is equal to 43,560 square feet.

(7) **AH Zone** See area of shallow flooding

(8) **Alley** An accessway providing vehicular access to the back or side of one or more lots which also front on a street.

(9) **Alteration** When used in the context of floodplain regulations, an enhancement, upgrading, or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

(10) **Annexation** The process as authorized by state law by which land is removed from a town and added to a city or village. (In contrast see detachment)

(11) **Antenna** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.[1]

(12) **AO Zone** See area of shallow flooding

(13) **Appeal** A process initiated by an aggrieved party to review a decision made pursuant to this chapter or an alleged failure to act as required by this chapter.

(14) **Applicant** A person that submits an application as required by this chapter.

Exhibit 3-1. An example of an arbor with fencing

[1] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

(15) **Aquifer** A saturated, permeable geologic formation that contains and will yield significant quantities of water.

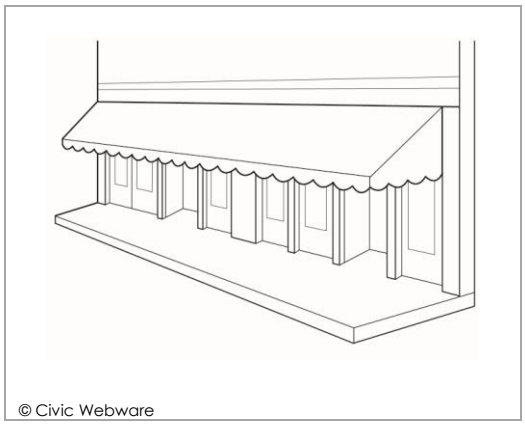
(16) **Arbor** A structure over a walkway or other open area often supporting vines or other plants (Exhibit 3-1).

(17) **Area of shallow flooding** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(18) **Areaway** An excavated area next to a building that provides access, light, or both, to a door or one or more windows in an exterior basement wall (Exhibit 3-2).

Exhibit 3-2. An example of an areaway

Exhibit 3-3. An example of an awning



(19) **Arterial street** A public street so designated on the zoning map or map supplement. (In contrast see collector street)

(20) **Assessed value** The dollar amount assigned to taxable real and personal property by the assessor for the purpose of taxation.

(21) **Auto title loan business** Any person licensed pursuant to s. 139.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

(22) **Awning** A sloped, roof-like feature that projects beyond the face of an exterior wall. An awning is typically placed above a door or window to provide protection from the sun and precipitation. An awning can be constructed of various materials, including metal, fabric, or plastic. An awning may be non-retractable or retractable so as to fold up against the building when not in use. (Also see canopy and marquee) (Exhibit 3-3)

(23) **Awning sign** See sign, awning

B

(24) **Balcony** A floor area that projects beyond the exterior wall of an upper story, is enclosed by a half wall or railing, and is only accessible from the building's interior. A balcony can be supported by columns or brackets or be cantilevered. (Exhibit 3-4)

(25) **Base district** See zoning district, base

(26) **Base flood** The flood having a one percent chance of being equaled or exceeded in any given year, as published by the Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).

Exhibit 3-4. An example of a balcony

(27) **Basement** An enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).

(28) **Berm** A mound or embankment of earth typically installed to provide screening or for aesthetic effect.

(29) **Bioswale** A feature that is specifically designed to collect stormwater from parking lots and streets and to infiltrate and filter the collected water. Bioswales are generally landscaped and include features to handle large stormwater flows.

(30) **Block** A group of contiguous lots within a well-defined area and bounded by fixed boundaries such as streets, public land, and waterways. A block is usually assigned a number, letter, or other designation that is commonly used as part of a lot's legal description (e.g., Lot 1 of Block 2 of Fairway View subdivision).

(31) **Board of appeals** See zoning board of appeals

(32) **Body piercer** An individual who performs body piercing on another upon his or her request.[2]

(33) **Body piercing** The perforating of any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.[3]

(34) **Breezeway** A roofed structure without sides that connects two buildings. (Exhibit 3-5)

Exhibit 3-5. An example of a breezeway

(35) **Bufferyard** A linear strip of undeveloped land, along with landscaping and/or a fence, that is located between two different zoning districts that have potentially incompatible characteristics. Bufferyards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the more intrusive land use on the other

(36) **Building** A structure having a roof supported by columns or walls that is used or intended for the shelter or enclosure of people, animals, equipment, or property of any kind.

(37) **Building, accessory** A building or portion of a building used for a purpose customarily incidental to the permitted use of the lot and located on the same lot as the principal use.

(38) **Building, principal** The building in which the principal use of the lot on which it is located is conducted.

(39) **Building codes** Those regulations adopted by a municipality or the state of Wisconsin that regulate the construction, repair, alteration, and maintenance of buildings.

(40) **Building coverage** The area of a lot that is occupied by those buildings and structures specified in this chapter.[4] Depending on the context, building coverage could refer to the actual or proposed amount, or the maximum amount that is permitted in a particular zoning district. (In contrast see impervious coverage)

(41) **Building height** As the context indicates, the height of an existing, proposed, or permitted building.[5]

(42) **Building inspector** The individual so designated by the City of Washburn. (In contrast see zoning administrator)

(43) **Building permit** A permit issued prior to the construction of, or addition to, a structure. (In contrast see zoning permit)

(44) **Building scale** The relationship between the mass of a building and its surroundings; including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.

(45) **Bulkhead line** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions.

(46) **Burden of proof** The obligation of a party to establish a fact by evidence.

[2] Commentary: Definition derived from DHS 173.03, Wis. Admin Code
[3] Commentary: Definition derived from DHS 173.03, Wis. Admin Code
[4] Commentary: See s. 8-68 that describes how building coverage is measured.
[5] Commentary: See s. 8-67 that describes how building height is measured.

C

(47) **Caliper** The diameter of a tree, measured at a point 6 inches above the ground if the resulting measurement is not more than 4 inches. If the resulting measurement is more than 4 inches, the measurement is taken 12 inches above the ground.[6]

(48) **Campground space** A designated portion of a campground that is rented for the exclusive use of its occupants. A campground space may include a parking area, fire ring, table, and other amenities.

(49) **Camping unit** When used in the context of the floodplain regulations, a portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

(50) **Canopy** A permanent, roof-like feature above a driveway or a sidewalk to provide protection from the elements.

(51) **Canopy sign** See sign, canopy

(52) **Certificate of appropriateness** A certificate issued by the Washburn Historic Preservation Commission, pursuant to Chapter 4 of Title 13 of the municipal code, approving the alteration, rehabilitation, construction, or demolition of a historic structure or historic site.

(53) **CFR** An abbreviation for Code of Federal Regulations

(54) **Channel** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(55) **City** The City of Washburn, Bayfield County, State of Wisconsin.

(56) **Clear vision triangle** See vision triangle

(57) **Cold frame**. A transparent-roofed enclosure, built low to the ground, used to protect plants from adverse weather, primarily excessive cold or wet.

(58) **Co-location** The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

(59) **Collector street** A public street so designated on the zoning map or map supplement. (In contrast see arterial street)

(60) **Commercial zoning district** A base zoning district so designated in s. 8-22. (See also industrial zoning district, residential zoning district, and special zoning district)

(61) **Common Council** The City of Washburn Common Council, state of Wisconsin.

(62) **Compost bin** A structure built to house compost which aids in the decomposition of organic matter through aeration and water retention.

(63) **Comprehensive plan** The document adopted by the Common Council consistent with s. 66.1001, Wis. Stats.

(64) **Conditional use** See land use, conditional

(65) **Conditional use order** A written decision issued by the Common Council authorizing the zoning administrator to issue a conditional use permit provided those conditions imposed by the council precedent to the issuance of the permit have been satisfied.

(66) **Conditional use permit** A permit issued by the zoning administrator authorizing establishment of a conditional use consistent with the provisions of this chapter.

(67) **Condominium** A form of property ownership where multiple owners individually own specified portions of a building along with any common elements.

(68) **Conversion order** A written decision issued by the Common Council authorizing the property owner to convert an existing nonconforming use to a different nonconforming use that is determined to be of the same or lesser degree of nonconformity.

(69) **Corner lot** See lot, corner

(70) **Crawl space** An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities. (In contrast see basement)

[6] Commentary: The plant nursery trade uses this measurement standard, while the timber industry uses diameter breast height (DBH).

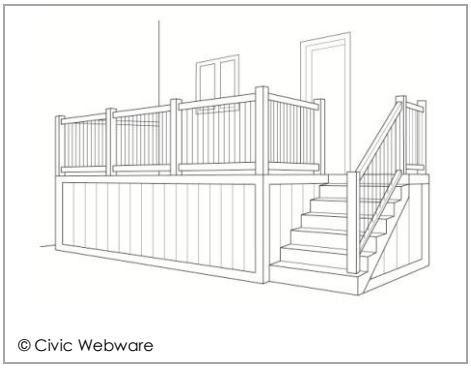
(71) **Curb** The barrier used to separate a street and other vehicle use areas from the surrounding environs.

(72) **Cutoff luminaire** See luminaire, cutoff

D

(73) **Deck** A structure characterized by a flat, unroofed, horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilever, or other similar methods. (Exhibit 3-6) (In contrast see stoop

Exhibit 3-6. An example of a deck



(74) **Detachment** The process as authorized by state law by which land is removed from a city or village and added to a town. (In contrast see annexation)

(75) **Development** An activity that must comply with, or is anyway regulated by, this chapter.

(76) **Development agreement** A contract between a developer and a municipality that describes the obligations of one or both parties regarding a private development project.

(77) **Disability** A mental or physical impairment that substantially limits one or more life activity.

(78) **District** See zoning district

(79) **Double frontage lot** See lot, through

(80) **Drainage system** When used in the context of shoreland-wetland zoning regulations, one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(81) **Driveway** A private route of ingress and egress from a private or public right-of-way, which provides access to residential dwellings/units, business buildings, or properties.

(82) **Dryland access** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(83) **Dwelling unit** A building, or portion thereof, that provides complete, independent living facilities for one household unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(84) **Dynamic sign display** See electronic message display

E

(85) **Easement** A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs.

(86) **Electronic message display** A sign message that can change by electronic means. (In contrast see static display)

(87) **Encroachment** Any fill, structure, equipment, use, or development in the floodway.

(88) **Environmental control facility** When used in the context of shoreland-wetland zoning regulations, a temporary or permanent facility that is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste and thermal, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(89) **Equipment compound** When used in the context of telecommunication facilities, the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.[7]

[7] Commentary: Definition derived from s. 66.0404(1), Wis. Stats.

(90) **Established road grade** The elevation of the finished road at the centerline as fixed by the city engineer or building inspector.

F

(91) **FAA** An acronym for Federal Aviation Administration

(92) **Facade** The exterior face of a building including projections from and attachments to the building's face. Projections and attachments include balconies, decks, porches, awnings, and chimneys.

(93) **Fall zone** When used in the context of telecommunication facilities, the area over which a mobile support structure is designed to collapse.[8]

(94) **Family** See household unit

(95) **Farm drainage ditch** An artificial channel that drains water from lands currently used for agricultural purposes.[9]

(96) **FCC** An abbreviation for Federal Communications Commission

(97) **Federal Communications Commission (FCC)** A federal agency established by the Communications Act of 1934 to regulate broadcast communications (e.g., wire, radio, and television) in the United States.

(98) **Federal Emergency Management Agency (FEMA)** A federal agency created in 1979 with a mission to reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based emergency management program of mitigation, preparedness, response, and recovery. It administers the National Flood Insurance Program among others.

(99) **FEMA** An acronym for Federal Emergency Management Agency

(100) **Financial guarantee** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantee that a developer submits to the City to ensure the completion of an obligation relating to a development project.

(101) **Fire lane** A hard surfaced travelway extending along one or more sides of a building or other structure that provides access exclusively for fire fighters.

(102) **FIRM** An acronym for flood insurance rate map

(103) **FIS** An abbreviation for flood insurance study

(104) **Fixed houseboat** A structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(105) **Flag** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other public, private or governmental entity.

(106) **Flag lot** See lot, flag

(107) **Flood** A general and temporary condition of partial or complete inundation of normally dry land areas caused by (1) the overflow or rise of inland waters; (2) the rapid accumulation or runoff of surface waters from any source; (3) the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or (4) the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(108) **Flood insurance rate map (FIRM)** A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(109) **Flood insurance study (FIS)** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

[8] Commentary: Definition taken from s. 66.0404(1), Wis. Stats.
[9] Commentary: This term is used in the definition for navigable water.

(110) **Flood profile** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(111) **Flood protection elevation** An elevation of 2 feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see freeboard)

(112) **Floodfringe** That portion of the floodplain outside of the floodway that is covered by flood waters during the regional flood and associated with standing water rather than flowing water. (In contrast see floodway)

(113) **Floodplain** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes. (Also see regional flood)

(114) **Floodplain island** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(115) **Floodplain management** Policies and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(116) **Floodproofing** Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(117) **Floodway** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(118) **Floor area** The maximum horizontal projected area of a building measured at each level from outside wall to outside wall.

(119) **Footcandle (FC)** The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

(120) **Freeboard** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(121) **Front yard** See yard, front

(122) **Fugitive dust** Solid airborne particulate matter resulting from any activity conducted on a parcel.

G

(123) **Glare** The stray unshielded light striking the eye that may result in (i) nuisance or annoyance glare such as the light shining into a window; (ii) discomfort glare such as bright light causing squinting of the eyes; or (iii) disabling glare such as bright light reducing the ability of the eyes to see into shadows or reduction of visual performance

H

(124) **Habitable structure** A structure or portion thereof used or designed for human habitation.

(125) **Hazard** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.

(126) **Hazardous substance** A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.

(127) **Hazardous waste** A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

(128) **High flood damage potential** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(129) **Highest adjacent grade** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(130) **Highway width map** A map adopted by Bayfield County pursuant to s. 66.1031, Wis. Stats.

(131) **Historic preservation commission** The body created pursuant to Title 13, Chapter 4 of the municipal code.

(132) **Historic site** Any parcel of land so designated by the Historic Preservation Commission pursuant to the procedures and requirements in Title 13, Chapter 4 of the municipal code.

(133) **Historic structure** A structure that is (i) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(134) **Holiday lighting** A string of individual low-wattage lamps temporarily installed in connection with a holiday or religious observance and removed after such observance.

(135) **Household unit** An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 6 adult individuals who are not so related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.

I

(136) **Impervious coverage** The area of a lot that substantially reduces or prevents the infiltration of stormwater into the ground.[10] Depending on the context, impervious coverage could refer to the actual or proposed amount, or the maximum amount that is permitted in a zoning district. (In contrast see building coverage)

(137) **Increase in regional flood height** A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

(138) **Industrial zoning district** A base zoning district so designated in s. 8-22. (See also commercial zoning district, residential zoning district, and special zoning district)

(139) **Interior lot** See lot, interior

L

(140) **Lamp** The component of a luminaire that produces the actual light.

(141) **Land** The earth, water, and air, above, below, or on the surface.

(142) **Land use** As the context indicates, (i) the development that has occurred on the land, (ii) development that is proposed for the land, or (iii) the use permitted for the land under this chapter.

(143) **Land use, accessory** A land use that is subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

(144) **Land use, conditional** A land use, which by its nature, character, or circumstance, is so unique or so dependent upon specific conditions that permissibility by right is not practical, but which may be permitted subject to certain conditions and requirements as determined by the reviewing authority.

(145) **Land use, permitted by right** A land use that is allowed throughout a specified zoning district. Land uses permitted by right may be reviewed to ensure that all provisions of local, state, and federal regulations are met.

(146) **Land use, principal** The main or primary use of a property as may be allowed under this chapter.[11]

[10] Commentary: See s. 8-69 that describes how impervious coverage is measured.

(147) **Land use, temporary** A land use which is on a parcel of land for a limited and specified period of time.

(148) **Landscape island** An area reserved for landscaping within a parking lot or other paved or improved area.

(149) **Landscape plan** A drawing of a subject property that shows existing and/or proposed landscaping elements and other features as required by this chapter. Depending on the nature of the development project, the content of a landscaping plan can be shown on a site plan. (Also see site plan)

(150) **Legal nonconforming building** See nonconforming building, valid prior

(151) **Legal nonconforming lot** See nonconforming lot, valid prior

(152) **Legal nonconforming sign** See nonconforming sign, valid prior

(153) **Legal nonconforming structure** See nonconforming structure, valid prior

(154) **Legal nonconforming use** See nonconforming use, valid prior

(155) **Light fixture** See luminaire

(156) **Light pollution** Any adverse effect of artificial light including, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

(157) **Light trespass** Light that falls beyond the property it is intended to illuminate.

(158) **Livestock** Any of the following animals: bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., alpacas, lamas, camels), and ratites (e.g., emus, ostriches).

(159) **Loading area** A designated place on a parcel of land that is used for the loading or unloading of freight carriers.

(160) **Lot** A land area having a definable location based on a survey or similar legal instrument recorded by the Bayfield County register of deeds. Where a navigable stream, navigable body of water, mil tax road, or public right-of-way divides a single described parcel into two or more parts, such severed portions shall be considered separate individual lots provided they meet the use, building location, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet such use, building, location, and area regulations they, in combination, shall be considered to be a single lot for regulatory purposes, computation of area requirements, and other locational provisions of this chapter.

(161) **Lot, corner** A lot situated at the junction of and fronting on two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of 135 degrees or less.

(162) **Lot, flag** A lot which has a narrow strip of land that extends from the main part of the lot where a building could be lawfully constructed to the road.

(163) **Lot, interior** A lot that abuts only one street and has lots along both of its sides.

(164) **Lot, through** A lot having a frontage on two streets that are more or less parallel to one another. On a through lot, both street lines shall be deemed front lot lines.

(165) **Lot area** As the context indicates, the minimum required area of a lot, actual area of a lot, or proposed area.[12]

(166) **Lot line** A line dividing one parcel of land from another.

(167) **Lot line, front** The lot line described for each of the following types of lots. (1) For an interior lot, the property boundary line abutting a road right-of-way. (2) For a corner lot, the line abutting a street providing physical access (i.e., driveway) to the property. (3) For a through lot, the property boundary line abutting the road providing the primary access to the lot. (4) For a flag lot, the interior lot line most parallel to and nearest the road from which physical access is obtained.

(168) **Lot line, rear** A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

(169) **Lot line, side** A lot line that is not a front or rear lot line.

(170) **Lot width** As the context indicates, the minimum required width of a lot, actual width, or proposed width.[13]

[11] Commentary: In some situations, a parcel of land can have more than one principal land use.
[12] Commentary: See s. 8-62 that defines how lot area is measured.

(171) **Lowest adjacent grade** The elevation of the lowest ground surface that touches any of the exterior walls of a building.

(172) **Lowest floor** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

(173) **Low-impact stormwater design** A design approach to stormwater management intended to mimic the predevelopment hydrology of a site. Initial site design strategies include minimizing impervious surfaces and the integration of existing wetlands, riparian areas, and other environmentally sensitive natural resources into the overall site design. Manmade features, generally distributed throughout the site, are also used to store, infiltrate, evaporate, and detain stormwater runoff. Examples of such features include bioswales, rain gardens, and pervious surfaces.

(174) **Lumen** A unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire.[14]

(175) **Luminaire** A complete lighting unit, consisting of one or more lamps and ballast(s), if any, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

(176) **Luminaire, cutoff** A luminaire that is designed and installed so that the luminous intensity at or above an angle of 90 degrees above nadir (as measured directly below the lamp to the ground) does not exceed 2.5 percent of the luminous flux of the lamp or lamps in the luminaire, and the luminous intensity at or above a vertical angle of 80 degrees above nadir does not exceed 10 percent of the luminous flux of the lamp or lamps in the luminaire.

(177) **Luminaire, shielded** A luminaire that is designed and installed so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

M

(178) **Maintenance and repair** See ordinary maintenance and repair

(179) **Manufactured home** A dwelling unit that is constructed in an off-site facility in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended. (Note: A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards.)

(180) **Marquee** A flat, roof-like feature that projects beyond the face of an exterior wall. A marquee is typically placed above a door or window to provide protection from the sun and precipitation. (Exhibit 3-7) (Also see awning)

Exhibit 3-7. An example of a marquee

© Civic Webware

(181) **Marquee sign** see Sign, marquee

(182) **Mausoleum** An above-ground structure that is used or intended to be used for the burial of human remains.

(183) **Mausoleum, private** A mausoleum designed to hold no more than 10 human remains and no spaces are offered for sale to the general public.

(184) **Mausoleum, public** A mausoleum designed to hold more than 10 human remains or a mausoleum in which at least one mausoleum space is offered for sale to the general public.

(185) **Minor structure** Any small movable, accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under 4 feet in height.

[13] Commentary: See s. 8-63 that describes how lot width is measured.

[14] The lumen output of a lamp is typically listed on the packaging. A 60-watt incandescent lamp produces 950 lumens and a 55-watt low-pressure sodium lamp produces 8,000 lumens.

(186) **Mitigate** To take an action designed to offset or rectify a negative effect.

(187) **Mobile service** A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (1) both one-way and two-way radio communication services; (2) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and (3) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.[15]

(188) **Mobile service facility** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.[16]

(189) **Mobile service provider** A person who provides mobile service.[17]

(190) **Model, corrected effective** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(191) **Model, duplicate effective** A copy of the hydraulic analysis used in the effective flood insurance study and referred to as the effective model.

(192) **Model, effective** The hydraulic engineering model that was used to produce the current effective flood insurance study.

(193) **Model, existing (pre-project)** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(194) **Model, revised (post-project)** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

(195) **Modular home** A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.

(196) **Monument sign** See sign, monument

(197) **Mulch** A nonliving organic or inorganic material customarily used in landscape design to retard erosion, retain soil moisture, maintain even soil temperature, control weeds, and/or enrich the soil. Examples of materials often used include tree bark, wood chips, and decorative stones.

(198) **Municipal code** The compilation of laws as adopted by the City of Washburn Common Council.

(199) **Mural** A painting or other artwork applied to and made integral with the surface of an exterior wall or other large permanent surface that depicts a scene or event of natural, social, cultural, or historical significance. (Also see sign)

N

(200) **Natural Resources Conservation Service (NRCS)** A federal agency created in 1935 within the U.S. Department of Agriculture to work with private land owners and managers to conserve their soil, water, and other natural resources by providing technical and financial assistance. From 1935 to 1994, it was known as the Soil Conservation Service (SCS).

(201) **NAVD (North American Vertical Datum)** Elevations referenced to mean sea level datum, 1988 adjustment.

(202) **Navigable waterway** Lake Superior, Lake Michigan, natural inland lakes, streams, ponds, sloughs, flowages, and other waters, including the Wisconsin portion of boundary waters, which are navigable under the laws

[15] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.
[16] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.
[17] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

of this state.[18] The term does not include farm drainage ditches if (i) such lands are not adjacent to a natural navigable stream or river, (ii) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (iii) such lands are maintained in nonstructural agricultural use. (Also see definition of farm drainage ditch)

(203) **New construction** For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(204) **NGVD (National Geodetic Vertical Datum)** Elevations referenced to mean sea level datum, 1929 adjustment.

(205) **Nonconforming building, valid prior** A building that at the time of construction conformed to the then existing regulations including size, height, location, and other dimensional standards, but is now inconsistent with this chapter. (Also referred to as nonconforming building)

(206) **Nonconforming lot, valid prior** A lot that at the time of creation conformed to the then existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this chapter. (Also referred to as nonconforming lot)

(207) **Nonconforming sign, valid prior** A sign that at the time of construction or placement conformed to the then existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter. An abandoned sign does not qualify as a nonconforming sign. (Also referred to as nonconforming sign)

(208) **Nonconforming structure, valid prior** A structure that at the time of construction or placement conformed to the then existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter. (Also referred to as nonconforming structure)

(209) **Nonconforming use, valid prior** A use of land that at the time of establishment conformed to the then existing regulations, but is now inconsistent with this chapter. (Also referred to as nonconforming use)

(210) **NRCS** An abbreviation for Natural Resources Conservation Service

O

(211) **Obstruction to flow** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(212) **Official floodplain zoning map** That map, adopted and made part of this chapter, as described in s. 9-22, which has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).

(213) **Offset** See setback

(214) **Off-premise sign** See sign, off-premise

(215) **On-premise sign** See sign, on-premise

(216) **Operating standards** Regulations in this chapter that control the ongoing operation of a land use, including related business practices.

(217) **Ordinary high-water mark (OHWM)** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore of any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

[18] Commentary: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975) and *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).

(218) **Ordinary maintenance and repair** Those activities related to the general day-to-day maintenance of a building or other similar structure including interior remodeling; painting, decorating, paneling, plumbing, insulation, the repair of cracks in a foundation wall, the application of waterproof coatings to a foundation wall, and the replacement of windows, doors, electric wiring, siding, roofing materials, and other nonstructural components. (In contrast see structural alteration)

(219) **Overlay district** See zoning district, overlay

P

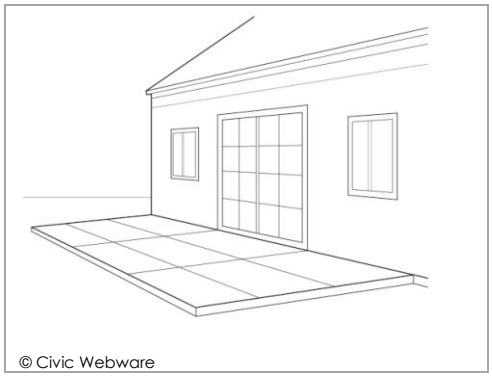
(220) **Panelized home** A dwelling unit that meets local building codes and which was constructed off site in a factory generally as flat panels (e.g., walls, roof, and floor) which are joined together and set on a permanent foundation.

(221) **Parking space** An area permanently reserved and maintained for the parking of one motor vehicle that meets the dimensional standards of this chapter.

(222) **Patio** An at-grade surfaced area intended for outdoor living that may be next to a building or separated from a building. (Exhibit 3-8)

(223) **Payday loan business** Any person licensed pursuant to s. 218.05, Wis. Stats., or a person licensed pursuant to s. 139.09, Wis. Stats., 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.

Exhibit 3-8. An example of a patio next to a building



(224) **PDD** An abbreviation for planned development district

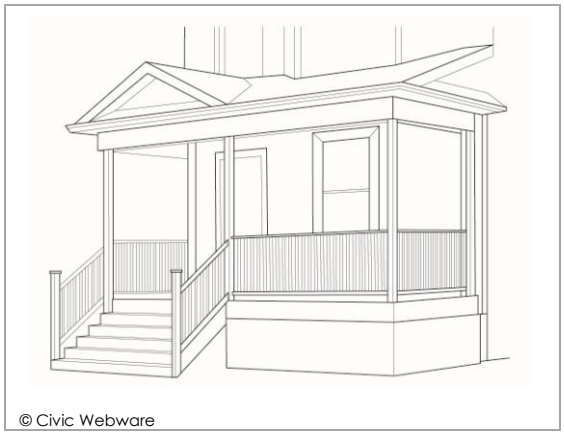
(225) **Permanent foundation** A foundation wall under the entire perimeter of a building.

(226) **Permitted use** See land use, permitted by right

(227) **Person** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(228) **Pier** A structure extending into navigable waters from the shore with water on both sides, that is built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally. (Also see wharf)

Exhibit 3-9. An example of a porch



(229) **Plan Commission** The commission established by the Common Council to make recommendations and decisions relating to planning and land use issues as authorized by Wisconsin Statutes.

(230) **Plan of operation** A document describing the operation of a particular enterprise and other related matters as may be required by this chapter. (Also see site plan)

(231) **Planned development district (PDD)** A base zoning district established pursuant to this chapter that has "PDD" followed by a number as its abbreviation (e.g., PDD-1).

(232) **Playhouse** An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.

(233) **Porch** A part of a building with a roof of its own that covers an entrance. (Exhibit 3-9)

(234) **Pre-cut home** A dwelling unit that meets local building codes and which was largely constructed off site in a factory and then disassembled and transported to the site where it is reassembled and set on a permanent foundation.

(235) **Principal building** The primary building on a lot housing a principal use.

(236) **Principal land use** See land use, principal

(237) **Principal use** See land use, principal

(238) **Private sewage system** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(239) **Projecting sign** See sign, projecting

(240) **Property boundary line** See lot line

(241) **Public notice** The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.

(242) **Public utilities** When used in context of the floodplain regulations, those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(243) **Public utility** A public utility as defined in s. 196.01, Wis. Stats.[19]

R

(244) **Rain garden** A planted area that is designed, with respect to placement and plant selection, to filter and temporarily store stormwater runoff from impervious surfaces.

(245) **Rear yard** See yard, rear

(246) **Reasonably safe from flooding** Base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(247) **Recreational vehicle (RV)** A motorized vehicle that has a cabin for living accommodations and is commonly used for recreational travel and touring. Vehicles included in this category come in several forms including travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes, and camper vehicles, all of which have a motor within the body of the vehicle and are self-propelled.

(248) **Regional flood** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the flood insurance rate maps (FIRM), the regional flood elevations is equivalent to the base flood elevation (BFE).

(249) **Repair and maintenance** See ordinary maintenance and repair

(250) **Residential zoning district** A base zoning district so designated in s. 8-22. (See also commercial zoning district, industrial zoning district, and special zoning district)

(251) **Reviewing authority** As the context indicates, the zoning administrator, Plan Commission, Common Council, or Zoning Board of Appeals.

(252) **Rezoning** See zoning map amendment

(253) **Right-of-way** A strip of land dedicated to or acquired by the City of Washburn, Bayfield County, or the state of Wisconsin for public use. (In contrast see easement)

(254) **Roof pitch** A measure of the steepness of a roof, commonly expressed as the vertical rise over a horizontal run of 1 foot. For example, a roof with a pitch of 8:12 rises 8 inches for every horizontal foot.

(255) **Roof sign** See sign, roof

S

[19] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats..

(256) **Scoreboard** An outdoor, permanent sign operated by a school district or the City, located on or adjacent to a sporting field, which provides information to participants and spectators about a sporting match then and there in progress and which may, in addition to such information, also provide other information.

(257) **Screen** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.

(258) **Search light** A device intended to emit a bright beam of light high into the night sky with intent to be visible from rights-of-way, or passersby at great distances.

(259) **Search ring** When used in the context of telecommunication facilities, a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.[20]

(260) **Setback** As the context indicates, the minimum required distance between a building and one or more lot lines, the actual distance, or the proposed distance.[21]

(261) **Setback averaging** An approach to determining the minimum required setback when the subject property is in an area of previously developed lots and the actual setbacks on those lots are less than the required setback for the district in which the subject property is located.

(262) **Shared parking** One or more parking spaces that partially or entirely meet the parking requirements of two or more land uses.

(263) **Shielded luminaire** see luminaire, shielded

(264) **Shoreline buffer zone** An area extending from the ordinary high-water mark of navigable water bodies landward for a horizontal distance of 35 feet.

(265) **Shoreline setback** A building setback requirement extending from the ordinary high-water mark of navigable waterbodies landward for a horizontal distance of 50 feet.

(266) **Side yard** See yard, side

(267) **Sight triangle** See vision triangle

(268) **Sign** A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. (Also see mural and flag)

(269) **Sign, off-premise** A sign that is used to convey a message that is not specifically related to the premises where the sign is located.

(270) **Sign, on-premise** A sign that is used convey a message specifically related to the premises where the sign is located.

(271) **Sign, awning** A sign painted on or attached flat against the surface of an awning.

(272) **Sign, canopy** A sign attached to and made part of a canopy.

(273) **Sign, marquee** A sign attached to and made part of a marquee.

(274) **Sign, monument** A free-standing sign that is supported by a base extending from the ground surface to the bottom, or to nearly the bottom, of the sign face.

(275) **Sign, pole** A free-standing sign supported by one or more poles.

(276) **Sign, projecting** A sign, normally double-faced, that is attached to and projects from a building.

(277) **Sign, roof** A sign erected upon, against, or above a roof or parapet. The term includes designs, letters, or words composed of roofing materials.

(278) **Sign, wall** A sign attached to the exterior wall of a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.

(279) **Sign, window** A sign located inside of a building that is visible from outside the premises and within 16 inches of an exterior window or door..

[20] Commentary: Definition taken from s. 66.0404(1), Wis. Stats.
[21] Commentary: See s. 8-66 that describes how setbacks are measured.

(280) **Sign copy** The message of a sign including lettering, logos, graphics, and the like.

(281) **Sign permit** A written permit authorizing the erection, construction, enlargement, alteration, relocation, or conversion of a sign.

(282) **Site plan** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see plan of operation and landscaping plan)

(283) **Site-built home** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on site. Also known as a "conventional home" or "stick-built home."

(284) **Sky glow** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

(285) **Slope** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. For example, a 3:1 slope is 3 feet horizontal and 1 foot vertical.

(286) **Special exception** An approval that may be granted by the Plan Commission to deviate from otherwise applicable provisions of this chapter when certain circumstances apply. (In contrast see variance)

(287) **Special purpose zoning district** A base zoning district so designated in s. 8-22. (See also commercial zoning district, industrial zoning district, and residential zoning district)

(288) **Sport court** A hard-surfaced area located out of doors used exclusively for basketball, tennis, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.

(289) **Start of construction** When used in the context of floodplain regulations, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 calendar days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(290) **State** The state of Wisconsin.

(291) **Static display** A sign message that does not change by electronic means. The term includes fuel prices on a free-standing sign. (In contrast see electronic message display)

(292) **Steeple** A tower that rises above the building of which it is part and which is capped with a tall roof form tapering to a point. (Exhibit 3-10)

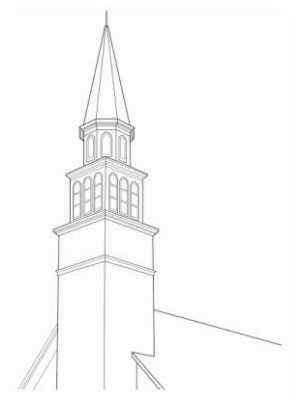
(293) **Stoop** A raised platform in front of an entrance to a building with one or more steps. (Exhibit 3-11) (In contrast see deck, which is intended for outdoor living.)

(294) **Stop work order** An order issued by a municipal government requiring the cessation of an activity that violates a building code or zoning code.

(295) **Stormwater** Water from a rainfall event or melting snow or ice.

(296) **Stream** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Exhibit 3-10. An example of a steeple



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(297) **Street** A hard-surfaced travelway, generally within a public right-of-way or an easement, that is open to the public for vehicular travel.

(298) **Street, private** A street not maintained by the City of Washburn, Bayfield County, the state of Wisconsin, or the federal government.

(299) **Street, public** A street maintained by the City of Washburn, Bayfield County, the state of Wisconsin, or the federal government.

(300) **Street terrace** The area between the back of a curb or the edge of pavement where there is no curb and the closest property boundary line. (Exhibit 3-12)

(301) **Street yard** See yard, front

(302) **Structural alteration** Any change in a supporting member of a building such as foundation, exterior wall, column, beam or girder or any substantial change in the roof structure. (In contrast see ordinary maintenance and repair)

Exhibit 3-11. An example of a stoop

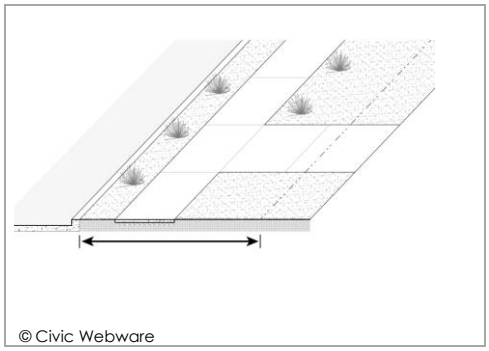
(303) **Structure** A manmade object with form, shape, and utility that is either permanently or temporarily placed on or into the ground, a stream bed, or a lake bed, or on another structure. Examples include buildings, decks, patios, stoops, play structures, swimming pools, hot tubs, tents, bridges, storage tanks, fences, towers, flag poles, utility poles, pipelines, transmission lines, smokestacks, and signs.

(304) **Subdivision** Has the meaning given in s. 236.02(12), Wis. Stats.

(305) **Substandard lot** See nonconforming lot, valid prior

(306) **Substantial damage** Damage of any origin sustained by a structure, where the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Exhibit 3-12. Street terrace



(307) **Substantial improvement** Any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work preformed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(308) **Substantial modification** When used in the context of telecommunication facilities, the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

(a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet, except as provided below.

(b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more, except as provided below.

(c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation, except as provided below.

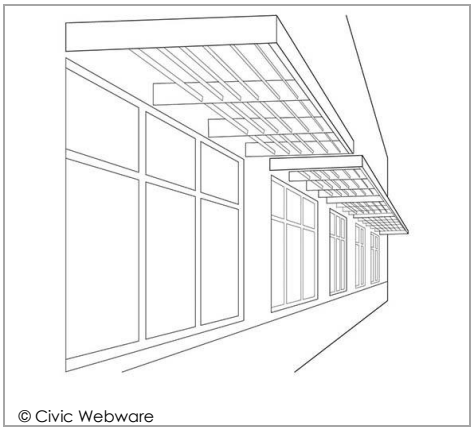
(d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.[22]

An activity is not a substantial modification under subs. (a) and (b) above, if a greater height is necessary to avoid interference with an existing antenna. Furthermore, an activity is not a substantial modification under sub. (c) above, if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(309) **Sunshade** A fixture consisting of fixed panels or louvers that is permanently mounted to the exterior of a building to shade a window. (Exhibit 3-13)

(310) **Support structure** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.[23]

Exhibit 3-13. An example of a sunshade



T

(311) **Tattoo** To insert pigment under the surface of the skin of an individual by pricking with a needle or other instrument or technique so as to produce an indelible mark or figure through the skin.[24]

(312) **Tattooist** An individual who tattoos another upon his or her request.[25]

(313) **Temporary use** See land use, temporary

(314) **Through lot** See lot, through

(315) **Tourist or transient** A person who travels to a location away from his or her permanent address for a period of less than 30 consecutive calendar days for vacation, pleasure, recreation, culture, business, or employment.

(316) **Trellis** A structure consisting of lattice with supporting posts and rails often supporting vines or other plants and used for aesthetic purposes or as a visual screen or barrier, or both.

U

(317) **Utility pole** When used in the context of telecommunication facilities, a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d), Wis. Stats.; public utility, as defined in s. 196.01(5), Wis. Stats.; telecommunications utility, as defined in s. 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017(1g)(cq), Wis. Stats.; for video service, as defined in s. 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.[26]

V

(318) **Variance** A grant of relief, as approved by the Zoning Board of Appeals, from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited. (In contrast see special exception)

(319) **Vision triangle** The area in the shape of a triangle located at the intersection of two roads or at the intersection of a road and a driveway or other travelway within which the type and placement of structures and vegetation are controlled to ensure adequate sight distances for pedestrians and motorists. The configuration and size of this area is based on standards included in this chapter.

W

(320) **Wall sign** See sign, wall

[22] Commentary: Definition derived from s. 66.0404, Wis. Stats.
[23] Commentary: Definition taken from s. 66.0404(1), Wis. Stats.
[24] Commentary: Definition derived from DHS 173.03, Wis. Admin Code
[25] Commentary: Definition derived from DHS 173.03, Wis. Admin Code
[26] Commentary: Definition taken from s. 66.0404(1), Wis. Stats.

(321) **Water surface profile** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(322) **Watercraft** Any device used and designed for navigation on water.

(323) **Watt** A measure of power consumption.

(324) **Well** An excavated opening in the ground made by digging, boring, drilling, driving, or other method to obtain groundwater regardless of its intended use.

(325) **Wetland** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(326) **Wetland alteration** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

(327) **Wetland inventory map** A map prepared by the Wisconsin Department of Natural Resources that shows wetlands as defined by the department.

(328) **Wetland vegetation** Plants of all types typically growing in and associated with a wetland.

(329) **Wharf** A structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed. (Also see pier)

(330) **Window sign** See sign, window

(331) **Woody vegetation** Perennial plants having hard lignified tissues or woody parts, especially stems.

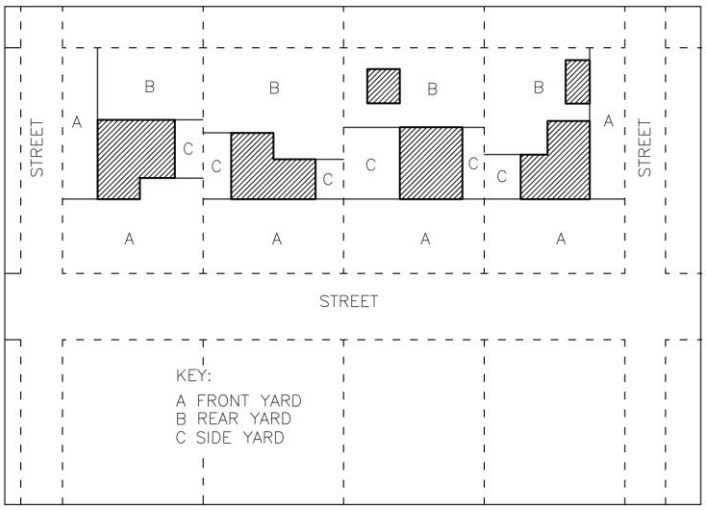
(332) **Written or in writing** Any representation of words, letters, drawings, graphics, or pictures.

Y

(333) **Yard** The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided in this chapter.

(334) **Yard, front** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building. (2) For a corner lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and that area that extends between the rear lot line to the front lot line from the side lot line to the side of the building. (3) For a double frontage lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and also that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the principal building. (Exhibit 3-14)

Exhibit 3-14. Yard types



(335) **Yard, rear** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the principal building. (2) For a corner lot, that area that extends between the front yard abutting the street right-of-way and the opposing side lot line from the rear lot line to the rear of the principal building. (Exhibit 3-14)

(336) **Yard, side** A yard as described for each of the following types of lots. (1) For an interior lot, the area that extends between the front yard and rear yard from the side lot line to the side of the principal building. (2) For a corner lot, that area that extends between the front yard and the rear yard from the side lot line to the side of the principal building. (3) For a double frontage lot, that

area that extends between the front yard from the side lot line to the side of the principal building. (Exhibit 3-14)

Z

(337) **Zone 1 Lighting District** Those areas along Bayfield Street as depicted on the zoning map.

(338) **Zone 2 Lighting District** Those areas not located in Zone 1 Lighting District.

(339) **Zoning administrator** The individual so designated pursuant to this chapter. (In contrast see building inspector)

(340) **Zoning Board of Appeals (ZBA)** A board created by the Common Council to render decisions relating to variances and administrative appeals and other matters enumerated in this chapter and in state law.

(341) **Zoning district** An area on the zoning map within which the zoning code is uniformly applied to all properties. Zoning districts can be classified as base zoning districts or overlay zoning districts.

(342) **Zoning district, base** A type of zoning district that establishes uniform regulations for the use and development of land.

(343) **Zoning district, overlay** A type of zoning district that is superimposed over one or more base districts, or parts of districts, and that modifies the requirements of the base district or imposes additional requirements, or both.

(344) **Zoning map amendment** An amendment to the zoning map adopted as part of this chapter.

(345) **Zoning permit** A written permit issued by the zoning administrator for a specified parcel of land that certifies that a proposed use is consistent with the requirements of the zoning district in which it is to be located.

3-2 Land use definitions

For the purpose of this chapter, certain land uses are defined below and shall have the meaning ascribed to them. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are principal land uses, accessory land uses are found in series 17, and temporary land uses are found in series 18.

Land Use Series

1. Agriculture	10. Recreation and Entertainment
2. Resource-Based Uses	11. Government and Community Services
3. Residential	12. Telecommunications and Utilities
4. Special Care Facilities	13. Transportation
5. Group Accommodations	14. General Storage
6. Food and Beverage Sales	15. Industrial
7. Vehicle Rental, Sales, and Service	16. Solid Waste
8. General Sales	17. Accessory Uses
9. General Services	18. Temporary Uses

1.0 AGRICULTURE

1.01 **Agriculture, crop** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown.

1.02 **Agriculture, general** A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised primarily for commercial purposes. Buildings and other structures necessary for the operation are allowed. The term does not include commercial stables.

1.03 **Agriculture-support services** A place primarily involved in (1) providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services; (2) storing, processing, or handling raw agricultural commodities; (3) slaughtering livestock; (4) marketing livestock; and/or (5) processing agricultural byproducts or wastes. Examples include (1) a grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms; (2) a dairy plant that processes or handles milk from farms; (3) a meat slaughter establishment; (4) a food processing plant that processes raw agricultural commodities received from farms; (5) a feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms; (6) an ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant, or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce fuel or other products; (7) a sawmill or other facility that processes wood or other forest products received directly from farms; (8) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; and (9) a facility that is primarily engaged in providing agronomic services to farms.

1.04 **Greenhouse** A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. For the purpose of this definition, a mushroom farm is considered a greenhouse.

2.0 RESOURCE-BASED USES

2.01 **Dam** An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

2.02 **Forestry** The harvesting, thinning, and planting of trees and related forest management activities whether for commercial or noncommercial purposes. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include on-site processing and permanent skidding yards.

3.0 RESIDENTIAL

3.01 **Mixed-use housing** One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.

3.02 **Multi-family building, 2 units** A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

3.03 **Multi-family building, 3 or more units** A building containing 3 or more dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

3.04 **Single-family dwelling** A building containing one dwelling unit that is situated on one lot and is not attached to any other dwelling unit by any means. The term includes manufactured homes, modular homes, panelized homes, pre-cut homes, and site-built homes, but excludes mobile homes.

3.05 **Townhouse** A building containing 3 or more dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached.)

3.06 **Twin home** A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached.)

4.0 SPECIAL CARE FACILITIES

4.01 **Adult family home** A place licensed by the state under s. 50.033(1m), Wis. Stats.[27]

4.02 **Community living arrangement, 8 or fewer residents** Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

4.03 **Community living arrangement, 9-15 residents** Any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) a group home for children as defined in s. 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.

[27] Commentary: An adult family home can either be a principal use or an accessory use. If the operator does not live in the residence with the adults, it is considered a principal use.

4.04 **Foster home and treatment foster home** A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.[28]

4.05 **Group day care center** A place licensed as a day care by the state where care is provided for 9 or more children.[29] This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

4.06 **Hospice care center** A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.[30]

4.07 **Nursing home** A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.[31]

4.08 **Retirement home (assisted living)** A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents.

4.09 **Temporary residential shelter** A place where individuals and families live on a temporary basis and support services including counseling may be provided. Residents typically receive housing at little or no cost, unrelated residents may share sleeping rooms, meals may or may not be provided, and unrelated residents may or may not share bathroom facilities.

5.0 GROUP ACCOMMODATIONS [32]

5.01 **Campground** A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.

5.02 **Overnight lodging** A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term includes hotels and motels but does not include bed and breakfasts.

5.03 **Resort** A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.

5.04 **Tourist rooming house** A place where a single-family dwelling, individual rooms in a single-family dwelling, and/or one or more cabins and cottages are offered to transient guests for rent, provided the total number of guest rooms does not exceed 8. The term does not include other forms of transient lodging including bed and breakfasts and overnight lodging.

6.01

6.0 FOOD AND BEVERAGE SALES

6.01 **Brewpub** A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.

6.02 **Restaurant** A place where food and beverages are offered for retail

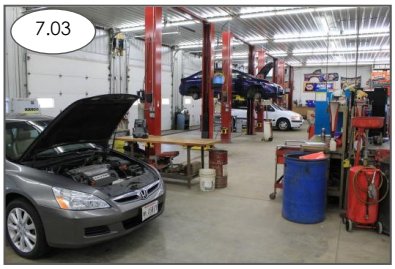
[28] Commentary: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.
[29] Commentary: A family day care home (4-8 children) is considered an accessory use and is therefore listed in the 17 series.
[30] Commentary: See s. 50.90(1), Wis. Stats.
[31] Commentary: See s. 50.01(3), Wis. Stats.
[32] Commentary: A bed and breakfast is considered an accessory use and is therefore listed in the 17 series.

sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

6.03 **Tavern** A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bars, drinking establishments, sports bar, and lounges.

7.0 VEHICLE RENTAL, SALES, AND SERVICE

7.01 **Heavy vehicle sales and service** A place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use.



7.02 **Vehicle fuel station** A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops or similar uses.

7.03 **Vehicle repair shop** A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.

7.04 **Vehicle sales and rental** A place where new and used cars, light trucks, motorcycles, mopeds, snowmobiles, and all-terrain vehicles (ATVs) are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use.

7.05 **Vehicle service shop** A place where motor vehicles, such as cars, motorcycles, and light trucks, are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

7.06 **Vehicle storage yard** A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before taken to a repair shop or while waiting for an insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is prohibited.

8.0 GENERAL SALES

8.01 **Convenience retail sales** A place where a limited product line of frequently needed personal items is offered for retail sale. The term includes convenience stores and small grocery stores.

8.02 **General retail sales** A place where a diverse product line is offered for retail sale. The term includes grocery stores, retail outlets, comparison shopping stores, full-line department stores, and dollar stores.

8.03 **Outdoor sales** A place where the merchandise offered for sale is primarily displayed outside of a building or other structure. This term does not include those land uses otherwise defined in this section.

9.0 GENERAL SERVICES

9.01 **Administrative services** A place where employees primarily perform administrative functions and where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, and engineering firms.

9.02 **Body-piercing establishment** A place where a body piercer performs body piercing.

9.03 **Commercial kennel** A place not qualifying as a private kennel or a hobby kennel where dogs, cats, or other domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

9.04 **Commercial stable** A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides.

9.05 **Equipment rental, large** A place where large equipment that is normally stored out of doors is offered for rent or lease. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

9.06 **Equipment rental, small** A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

9.07 **Financial services** A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.

9.08 **Funeral home** A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.

9.09 **General repair** A place where consumer goods such as shoes, bicycles, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

9.10 **General services** A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.

9.11 **Health care clinic** A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

9.12 **Health care center** A place where medical treatment, or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.

9.13 **Instructional services** A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.

9.14 **Landscape business** A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

9.15 **Professional services** A place where services involving predominantly professional, clerical, or similar operations are preformed and where customers may or could come on a regular basis. The term includes law offices, real estate offices, insurance offices, and travel agencies.

9.16 **Tattoo establishment** A place where a tattooist applies a tattoo to another individual.

9.17 **Veterinary clinic, general** A place where medical services for small and large animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor and outdoor enclosures for animals under the immediate medical care of a veterinarian.

9.18 **Veterinary clinic, small animal** A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.

10.0 RECREATION AND ENTERTAINMENT

10.01 **Driving range** A place where golfers practice driving golf balls from a fixed central location. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

10.02 **Golf course** A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, game room with snack bar, and buildings for housing maintenance equipment, supplies, and related materials.

10.03 **Indoor entertainment** A place where indoor entertainment is offered. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

10.04 **Indoor recreation** A place where indoor recreational activities are offered. The term includes bowling alleys, skating rinks, billiard and pool halls, and arcades.

10.05 **Indoor shooting range** An indoor area where patrons shoot guns and bow and arrows for target practice.

10.06 **Outdoor entertainment** A place where outdoor, spectator-type uses or events are offered. The term includes outdoor theaters, race tracks, motocross courses, tractor-pulling events, and sports arenas.

10.07 **Outdoor recreation** A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses, parks, shooting ranges, and recreational trails.

11.0 GOVERNMENT AND COMMUNITY SERVICES

11.01 **Administrative government center** A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.

11.02 **Animal shelter** A place where stray or unwanted household pets are temporarily housed.

11.03 **Cemetery** A place where human remains may be buried or interned. Accessory uses may include columbariums, mausoleums, crematories, and mortuaries when operated in conjunction with and within the boundaries of such area. The sale of cemetery merchandise, including monuments, markers, nameplates, vases and urns, and any

services that are associated with supplying or delivering those goods or with the burial of human is allowed when accessory to the principal use.

11.04 **Civic use facility** A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.

11.05 **Community center** A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

11.06 **Community cultural facility** A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.

11.07 **Community garden** A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

11.08 **Educational facility, pre-K through 12** A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.

11.09 **Educational facility, post-secondary** A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.

11.10 **Maintenance garage** A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.

11.11 **Park** A place where primarily outdoor recreational activities may occur. A park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members. A park may be developed with recreational facilities or undeveloped. The term includes dog parks and neighborhood recreation centers.

11.12 **Public safety facility** A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

11.13 **Recreation trail** A place where a linear path may be dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

11.14 **Worship facility** A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.

12.0 TELECOMMUNICATIONS AND UTILITIES

12.01 **Radio broadcast facility** A free-standing tower with or without an equipment compound and other structures that is intended for the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.[33]

12.02 **Solar power plant** A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.[34]

12.03 **Stormwater management facility** A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

[33] Commentary: This definition is based on provisions in s. 66.0406, Wis. Stats.
[34] Commentary: See the 17 series for accessory uses.

12.04 **Telecommunication collocation (class 1)** The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.[35]

12.05 **Telecommunication collocation (class 2)** The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.[36]

12.06 **Telecommunication tower** A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities.[37]

12.07 **Utility installation, major** A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines.

12.08 **Utility installation, minor** A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 17).

12.09 **Utility maintenance yard** A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

13.0 TRANSPORTATION

13.01 **Bus storage facility** A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

13.02 **Marina** A place where pleasure watercraft may dock on a temporary or permanent basis, watercraft may be trailered or untrailered, or both, and related services may be provided, such as retail sale of fuel for watercraft and supplies and servicing and repair of watercraft. The term does not include boat yards.

13.03 **Mass transit terminal** A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

[35] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.
[36] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.
[37] Commentary: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

13.04 **Off-site parking lot** A place where motor vehicles associated with an off-site use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.

13.05 **Park-and-ride lot** A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.

13.06 **Street** A surfaced travelway for motor vehicles that is located within an easement or right-of-way.

14.0 GENERAL STORAGE

14.01 **Boat yard** An outdoor area where watercraft may be kept in dry storage during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft while kept in storage.

14.02 **Indoor boat storage** A place where watercraft may be kept indoors during the off season or while not in use. Owners/operators may conduct minor repairs and maintenance on their watercraft while kept in storage.

14.03 **Personal storage facility** A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.

14.04 **Truck terminal** A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.

14.05 **Warehouse** A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

15.0 INDUSTRIAL AND MANUFACTURING

15.01 **Artisan shop, Type I** A place where handmade craft items or works of art are made on a small-scale and offered for retail sale and where all materials, stock, and related activities are entirely enclosed in a building. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

15.02 **Artisan shop, Type II** A place where handmade craft items or works of art are made on a small-scale and offered for retail sale and where some or all of the materials, stock, and related activities are located out of doors. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

15.03 **Construction equipment repair** A place where construction equipment, such as dump trucks, excavators, graders, and scrapers are typically left overnight for maintenance, service, or repair.

15.04 **Construction equipment sales and service** A place where new and used construction equipment, such as dump trucks, excavators, graders, and scrapers are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment.

15.05 **Contractor yard** A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

15.06 **Manufacturing** A place where products or parts are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

16.0 SOLID WASTE

16.01 **Composting facility** A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

16.02 **Recycling center** A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yard.

16.03 **Solid waste transfer station** A place where solid waste may be temporarily stored prior to transport to a processing plant or to final disposal.

17.0 ACCESSORY USES

17.01 **Accessory dwelling unit (ADU)** A second dwelling unit that is located on the same lot as a principal dwelling unit and is subordinate to the principal dwelling unit. An ADU may be attached to the principal dwelling unit, detached, or located in another building (e.g., above a garage).

17.02 **Adult family home** A private residence licensed by the state under s. 50.032 (1m), Wis. Stats.[38]

17.03 **Amateur radio and/or citizens band antenna** An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

17.04 **Bed and breakfast** A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner.

17.05 **Boat dock** A pier or wharf.

[38] Commentary: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

17.06 **Boathouse** A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

17.07 **Exterior communication device** An antenna used to capture wireless telecommunication signals.

17.08 **Family day care home** A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.[39]

17.09 **Farm building for non-farm storage** A building once used for agricultural purposes in which motor vehicles, construction equipment and vehicles, recreational vehicles, boats, and other related items not owned by the property owner may be stored, with or without a fee. Minor repair and maintenance of those objects in storage is permitted, provided such activity is for noncommercial purposes.

17.10 **Fence** A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, metal, wire, masonry, stacked rocks, or logs.

17.11 **Firewood storage** Storage of firewood for use on the premises.

17.12 **Foster home and treatment foster home** A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.[40]

17.13 **Garage, nonresidential** A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises.

17.14 **Garage, residential** A building intended to house motor vehicles, yard equipment, and household items belonging to the people occupying the principal residence on the lot. A residential garage may be detached or attached to a building with a residential use. A carport is be considered to be a residential garage.

17.15 **Greenhouse** A building, intended for the propagation of delicate or out-of-season plants, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated.

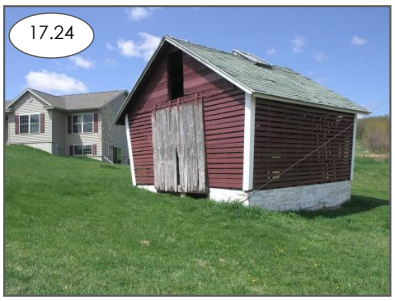
17.16 **Home occupation, major** An occupation, profession, enterprise, or similar commercial activity that is conducted within a dwelling unit and/or an accessory building and is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.

17.17 **Home occupation, minor** An occupation, profession, enterprise, or similar commercial activity that is conducted entirely within a dwelling unit and is compatible in size and scope in a residential setting. The term does not include hobbies or similar noncommercial activities.

17.18 **Household livestock** A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes. (Also see backyard chickens and backyard rabbits, which are considered separate and distinct accessory uses.)

[39] Commentary: See s. 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (4.0 series).

[40] Commentary: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.



17.19 **Kennel, hobby** A place where 5 or more, but less than 11 adult dogs or other pet animals are kept for the occupant's private, non-commercial purposes. The term also includes the sale and training of up to 2 litters per year.[41]

17.20 **Light industrial use incidental to sales/service** A place where light repairs are made to products that are offered for retail or wholesale sale.

17.21 **Outdoor food and beverage service** An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can consume food and drink.

17.22 **Play structure** A playhouse and recreational equipment, such as swings, slides, and jungle gyms, normally found in a residential setting or with a group day care center.

17.23 **Pond** A manmade body of water with a surface area observed or recorded within the last ten years of at least 5,000 square feet that is not otherwise required to meet stormwater requirements of a development project.

17.24 **Rural accessory building** A structure so designated consistent with Division 11 of Article 7 of this chapter.

17.25 **Sales incidental to industrial use** A place where items manufactured on site are offered for sale as a subordinate use to the manufacturing operation.

17.26 **Service window, drive-up** An opening in a building through which patrons are served while remaining in a motor vehicle.

17.27 **Service window, walk-up** An opening in a building through which patrons are served while standing outside of the building.

17.28 **Solar energy system, building-mounted** An installation that is mounted on a building and uses sunlight to produce electricity or provide heat or hot water to a building.

17.29 **Solar energy system, ground-mounted** An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to a building.

17.30 **Storage container** An enclosed metal container exceeding 900 cubic feet typically used to temporarily store merchandise.

17.31 **Swimming pool** An outdoor structure placed on the ground surface or below-ground that is filled with water for swimming. The term does not include those pools with a maximum diameter of 15 feet and a maximum wall height of 15 inches and which are taken down and stored in the off-season.

17.32 **Utility cabinet** A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, or similar public service to properties in the area. A utility cabinet may be located within a public right-of-way or on private property.

[41] Commentary: A commercial kennel is considered a principal use and is therefore listed in Series 9.

17.33 **Work/live dwelling unit** A dwelling unit located in a building also housing a business. The work/live dwelling unit is an accessory use to the business and its use is limited to the business operator or a household that includes the business operator.

17.34 **Yard shed** An accessory building designed to store yard furniture and tools, equipment, and supplies normally associated with lawn and garden care.

18.0 TEMPORARY USES

18.01 **Contractor's office** A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.

18.02 **Earth materials stockpile** A place where an earth material (e.g., topsoil or gravel) is piled and temporarily stored. The earth material must be derived from an on-site land development project and/or be used on site.

18.03 **Farmers market** A place where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers.

18.04 **Farmstand, off-site** A place where agricultural products not produced on the premises are offered for sale at retail.

18.05 **Farmstand, on-site** A place where agricultural products produced exclusively on the premises are offered for sale at retail.

18.06 **Livestock for vegetation management** Keeping of sheep and/or goats on a temporary basis for controlling undesirable plant species such as buckthorn, honeysuckle, wild rose, garlic mustard, and reed canary grass.

18.07 **Model home** A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.

18.08 **Off-site construction yard** A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).

18.09 **Party tent** A nonpermanent tent that is associated with a temporary event that is permitted under this code.

18.10 **Portable storage container** An enclosed metal container that is used to temporarily store household items and similar goods.

18.11 **Seasonal product sales** An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween.

18.12 **Sidewalk café** An outdoor dining area located on public property, typically a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

18.13 **Special event, major** An event of limited duration that (i) is open to the public, (ii) is not otherwise permitted in the zoning district, and (iii) is expected to draw more than 100 people. Examples include auctions, art fairs, festivals, fundraisers, outdoor customer appreciation events, and on- and off-road races of all types.

18.14 **Special event, minor** An event of limited duration that (i) is open to the public, (ii) is not otherwise permitted in the zoning district, and (iii) is expected to draw more than 50 but less than 100 people. Examples include auctions, art fairs, festivals, fundraisers, outdoor customer appreciation events, and on- and off-road races of all types.

18.15 **Wind test tower** A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.

18.16 **Yard sale** A temporary event where used household items are offered for sale.

TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 4
ADMINISTRATIVE BODIES

Divisions

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DIVISION 1
PLAN COMMISSION

Sections

4-1	Establishment	4-7	Meeting minutes
4-2	Authority	4-8	Schedule of meetings
4-3	Composition and appointment of members	4-9	Voting and quorum
4-4	Officers	4-10	Compensation of members
4-5	Commission procedures	4-11	Official oath
4-6	Meetings		

4-1 Establishment

Pursuant to s. 62.23(1), Wis. Stats., a plan commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.

4-2 Authority

(a) **Generally**. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning and development for the City of Washburn, whether enumerated in this section or not.[1]

(b) **Right to enter property**. The Plan Commission, its individual members, and employees, and authorized agents, may enter upon land which is the subject of a pending application it has authority to act on as set forth in s. 6-9.[2] The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

(c) **Staff**. The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Common Council for such purpose.[3]

(d) **Official map**. The Plan Commission may recommend the adoption of or amendment to an official map.[4]

(e) **Comprehensive plan**. The Plan Commission may by resolution recommend to the Common Council the adoption of or amendment to a comprehensive plan.[5]

(f) **Code amendments**. The Plan Commission shall review and submit recommendations to the Common Council regarding the amendment of this chapter.

[1] Commentary: See s. 62.23(4), Wis. Stats.
[2] Commentary: See s. 62.23(4), Wis. Stats.
[3] Commentary: See s. 62.23(1)(e), Wis. Stats.
[4] Commentary: See s. 62.23(6), Wis. Stats.
[5] Commentary: See s. 62.23(2), Wis. Stats.

(g) **Development review.** The Plan Commission shall render decisions and recommendations relating to development applications required by this chapter.

(h) **Miscellaneous reports**. The Plan Commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens. It may recommend to the Mayor or Common Council, programs for public improvements and the financing thereof.

(i) **Mandatory referral**. Pursuant to state statute, the following shall be referred to the Plan Commission for report:

(1) the location and architectural design of any public building;

(2) the location of any statue or other memorial;

(3) the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;

(4) the location, extension, abandonment or authorization for any public utility whether publicly or privately owned;

(5) all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236, Wis. Stats.;

(6) the location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children;

(7) the amendment or repeal of any ordinance adopted pursuant to this section, and

(8) any other matter provided by statute.

Unless such report is made within 30 days, or such longer period as may be stipulated by the Common Council, the council or other public body or officer, may take final action without it.

(j) **Floodplain management**. With respect to floodplain management, the Plan Commission shall oversee the zoning administrator and the general administration of the floodplain regulations in this chapter, and review and make recommendations to the Common Council on all proposed amendments to this chapter.

(k) **Right to request information**. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

4-3 Composition and appointment of members

(a) **Number and appointment**. The Plan Commission shall consist of 7 members as follows: the Mayor, one Alderperson, and 5 citizens. The Common Council shall, by a two-thirds vote of its members, elect one of its number to serve. The Mayor shall make citizen appointments during the month of April for terms that expire in April or at any other time of the year if a vacancy occurs during the middle of a term.[6]

(b) **Terms**. The term of the Mayor shall coincide with his or her elected term. The elected alderperson shall serve on the commission for a period of one year from and after the first day of May next ensuing. Each citizen member shall be appointed to a 3-year term.[7]

(c) **Considerations in making citizen appointments**. Citizen members shall be persons of recognized experience and qualifications and shall be residents of the City of Washburn.[8]

(d) **Conditions for removal**. A citizen member shall be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the City. The Mayor may remove any citizen member in his or her discretion. If the Mayor or a Common Council member serving on the commission resigns or is removed from his or her office, or his or her term expires, his or her term on the commission shall automatically terminate.

(e) **Vacancies**. Vacancies shall be filled in the same manner as an appointment for a full term.

[6] Commentary: See s. 62.23(1)(d), Wis. Stats.
[7] Commentary: See s. 62.23(1)(d), Wis. Stats.
[8] Commentary: See s. 62.23(1)(a), Wis. Stats.; also see s. 2-4-4 of the municipal code

4-4 Officers

The Mayor shall serve as the chairperson of the Plan Commission. The Plan Commission shall fill the following offices by election of its members: vice-chairperson and other officers in their judgment may be necessary.

4-5 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. All such rules shall conform to this chapter, other city regulations, and state law and shall be filed in the office of the City Clerk.[9]

4-6 Meetings

Meetings of the Plan Commission shall be open to the public unless conducted in closed session as authorized by state law. All meetings except site visits shall be conducted in the City Hall or in such other public place as may be selected by the commission.

4-7 Meeting minutes

The Plan Commission shall keep minutes of its proceedings. The commission may amend previously adopted minutes provided such revision is based on substantive evidence.

4-8 Schedule of meetings

Meetings of the Plan Commission shall be held at the call of the chairperson of the commission and at such other times as the commission may determine.

4-9 Voting and quorum

(a) **Requirements for quorum**. A quorum of the Plan Commission shall consist of 5 voting members.

(b) **Requirements for voting**. Unless otherwise specifically stated, a decision of the Plan Commission shall be approved by a majority vote of the members of the commission.

(c) **Disqualification or voluntary abstention**. A member of the Plan Commission shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) another law precludes participation.

4-10 Compensation of members

Members of the Plan Commission may be compensated as determined by the Common Council.

4-11 Official oath

Citizen members of the Plan Commission shall take the official oath as required by s. 19.01, Wis. Stats. The City Clerk shall keep a copy of such oaths.

4-12 to 4-20 Reserved

[9] Commentary: See s. 62.23(2), Wis. Stats.

DIVISION 2
ZONING BOARD OF APPEALS

Sections

4-21	Establishment	4-29	Schedule of meetings
4-22	Authority	4-30	Voting and quorum
4-23	Authority of chairperson	4-31	Offices
4-24	Composition and appointment of members	4-32	Appropriations
4-25	Officers	4-33	Compensation of members
4-26	Board procedures	4-34	Official oath
4-27	Meetings	4-35	Legal counsel
4-28	Meeting minutes		

4-21 Establishment

Pursuant to s. 62.23(7)(e), Wis. Stats., a Zoning Board of Appeals is established to undertake the responsibilities as defined in this chapter and state law.

4-22 Authority

(a) **Administrative appeals**. The Zoning Board of Appeals shall hear and decide administrative appeals consistent with the requirements in Article 7 of this chapter where it is alleged that the zoning administrator (1) failed to act as required by this chapter; (2) made an error in issuing a permit or in denying an application; (3) made an error in enforcement; or (4) made an error in any other determination. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(b) **Variances**. The Zoning Board of Appeals shall hear and decide variances consistent with the requirements in Article 7 of this chapter.

(c) **Right to enter**. The Zoning Board of Appeals, its individual members, employees, and authorized agents, may enter upon land which is the subject of a pending application as set forth in s. 6-9.

(d) **Amendments to this chapter**. The Zoning Board of Appeals may recommend amendments to this chapter it deems appropriate.

4-23 Authority of chairperson

The chairperson of the Zoning Board of Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.[10]

4-24 Composition and appointment of members

(a) **Number and appointment**. The Zoning Board of Appeals shall consist of 5 regular members as appointed by the Mayor, subject to confirmation by the Common Council.[11]

(b) **Alternates**. The Mayor shall, subject to confirmation by the Common Council, appoint 2 alternates to the Zoning Board of Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.[12]

(c) **Considerations in making appointments**. Regular members and alternate members of the Zoning Board of Appeals shall reside in the City of Washburn.[13] A city employee shall not serve as a regular member or as an alternate.

[10] Commentary: See s. 62.23(7)(e)(3), Wis. Stats.
[11] Commentary: See s. 62.23(7)(e)(2), Wis. Stats.
[12] Commentary: See s. 62.23(7)(e)(2), Wis. Stats.
[13] Commentary: See s. 2-4-4 of the municipal code

(d) **Terms**. Each regular member on the Zoning Board of Appeals shall be appointed to hold office for a period of 3 years, except that for regular members 2 of those first appointed shall serve for one year, 2 for 2 years, and the fifth for 3 years.

(e) **Removal**. The Common Council may remove a regular member or an alternate from the Zoning Board of Appeals for cause upon written charges and after a public hearing.

(f) **Vacancies**. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.

4-25 Officers

The Mayor shall designate one regular member to be the chairperson of the Zoning Board of Appeals. The Board may elect other officers deemed necessary.

4-26 Board procedures

The Zoning Board of Appeals may adopt rules of procedure to carry out its purposes. All such rules shall conform to this chapter, other City regulations, and state law and shall be filed in the office of the City Clerk.

4-27 Meetings

Meetings of the Zoning Board of Appeals shall be open to the public unless conducted in closed session as authorized by state law.[14] Meetings, except for site visits, shall be conducted in the City Hall or in such other public place as may be selected by the board.

4-28 Meeting minutes

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each voting member on each question, or, if absent or failing to vote, indicating such fact.[15] The board may amend previously adopted minutes provided such revision is based on substantive evidence.

4-29 Schedule of meetings

Meetings shall be held at the call of the chairperson of the Zoning Board of Appeals and at such other times as the Zoning Board of Appeals may determine.

4-30 Voting and quorum

(a) **Requirements for quorum**. A quorum shall consist of 3 voting members.

(b) **Requirements for voting**. A decision of the Zoning Board of Appeals shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.[16]

(c) **Disqualification or voluntary abstention**. A member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (4) another law precludes participation.

(d) **Voting by alternates**. The first alternate may vote only when one of the regular members of the board is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent is or is not able to vote.[17]

4-31 Offices

The Common Council shall provide suitable meeting space for meetings of the Zoning Board of Appeals.

[14] Commentary: See s. 62.23(7)(e)(3), Wis. Stats.
[15] Commentary: See s. 62.23(7)(e)(3), Wis. Stats.
[16] Commentary: See s. 62.23(7)(e)(3m), Wis. Stats.
[17] Commentary: See s. 62.23(7)(e)(2), Wis. Stats.

4-32 Appropriations

The Common Council shall appropriate funds to carry out duties of the Zoning Board of Appeals. The board shall have the authority to expend such funds consistent with procedures established by the Common Council.

4-33 Compensation of members

The regular members and alternates of the Zoning Board of Appeals may be compensated as determined by the Common Council.

4-34 Official oath

Members of the Zoning Board of Appeals shall take the official oath as required by s. 19.01, Wis. Stats. The City Clerk shall keep a copy of such oaths.

4-35 Legal counsel

The City Attorney shall not represent or advise the Zoning Board of Appeals. The Common Council may appropriate funds to provide counsel to the Zoning Board of Appeals as needed.

4-36 to 4-50 Reserved

DIVISION 3
ZONING ADMINISTRATOR

Sections

4-51	Establishment	4-53	Authority
4-52	Appointment	4-54	Conflict of interest

4-51 Establishment

The position of zoning administrator is established to undertake the responsibilities as defined in this chapter and by state law.

4-52 Appointment

The Mayor shall appoint, subject to confirmation by the Common Council, a zoning administrator. The City Administrator shall supervise the activities of the zoning administrator.

4-53 Authority

(a) **General**. The zoning administrator shall administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties shall have the authority to:

(1) meet with applicants to advise them of the requirements of this chapter;

(2) issue administrative permits;

(3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;

(4) render determinations of navigability as provided for in Division 17 of Article 7;

(5) determine the elevation of ordinary high-water marks;

(6) keep a written record of permits issued, inspections, work approved, enforcement activities, and other similar official actions;

(7) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;

(8) work with the City Clerk in the preparation of meeting agendas for the Plan Commission and Zoning Board of Appeals and submit them to the appropriate chairperson for review and approval;

(9) develop, amend, and utilize application forms, checklists, and other forms he or she deems appropriate to administer the development review processes contained in this chapter;

(10) recommend amendments to this chapter and to other chapters of the municipal code of the City of Washburn relating to land use and development;

(11) assist the building inspector and city attorney with enforcement proceedings as may be requested; and

(12) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter or any other section of the municipal code of the City of Washburn as may be appropriate.

(b) **Floodplain overlay district**. In the administration of floodplain zoning, the zoning administrator shall have the authority to:

(1) issue floodplain permits;

(2) inspect and assess all structures in the floodplain overlay district that have been damaged to determine if the damage can be defined as "substantial damage" herein defined.

(3) Maintain a list of nonconforming uses and structures as more fully described in s. 9-144.

(4) Submit an annual summary to the regional office of the Wisconsin Department of Natural Resources describing actions taken in the administration of the floodplain overlay district.

(5) Submit copies of amendments and biennial reports to the regional office of the Federal Emergency Management Agency.

4-54 Conflict of interest

The zoning administrator and/or authorized designee of the zoning administrator shall not perform work on a proposed or approved development project in which he or she has a direct financial interest in the outcome of the matter at issue or otherwise has a conflict of interest.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 5
RESERVED

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 6
GENERAL PROCEDURAL REQUIREMENTS

Divisions

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DIVISION 1
GENERALLY

Sections

6-1	Legislative findings	6-11	Effect of an outstanding obligation
6-2	Purpose	6-12	Application review schedule
6-3	Nature of staff comments	6-13	Application forms
6-4	Authority to file an application	6-14	Application fees and other charges
6-5	Non-confidentiality of submitted information	6-15	Charge back of professional service fees
6-6	Burden of proof	6-16	Other required approvals
6-7	Concurrent review	6-17	Building permit
6-8	Withdrawal of application	6-18	Appeals
6-9	Permission to enter subject property	6-19	Revocation or modification of a prior approval
6-10	Effect of an outstanding violation		

6-1 Legislative findings

The Common Council makes the following legislative findings:

(1) Development review processes should be easily understood and well-structured, and only involve those steps and requirements that are needed to properly review the application. Excessive procedural requirements add unnecessary costs to development projects.

(2) The general public, property owners in the area, and affected agencies have a right to know about proposed development projects and have meaningful participation in the review process to the extent allowed or required by this chapter.

(3) Enforcing the rules and regulations contained in this chapter is an important function of government.

6-2 Purpose

The development review requirements and procedures in this chapter are intended to:

(1) provide efficient and timely review of applications and ensure fairness and due process,

(2) ensure that applications are reviewed consistently by establishing criteria in making recommendations and final decisions, and

(3) ensure complete and timely compliance.

6-3 Nature of staff comments

Statements and recommendations that are made by the zoning administrator, city staff and officials, and other representatives prior to or during the application review process shall not be binding on the decision-making body responsible for making the final decision.

6-4 Authority to file an application

Unless otherwise specified in this chapter, the owner of the property or a person having the power of attorney for the property owner shall sign the application submitted for review. A person signing an application under the authority of a power of attorney shall include a copy of the power of attorney with the application.

6-5 Non-confidentiality of submitted information

All written information that an applicant submits to the zoning administrator during a pre-submittal meeting or at any point in the review process is considered part of the public record subject to disclosure under state and local law.

6-6 Burden of proof

(a) **During application review process**. During the application review process, the applicant has the burden of proof to show that the application should be approved based on the decision criteria relating to that application.

(b) **During appeal of an administrative decision**. During an administrative appeal proceeding, the petitioner has the burden of proof to show that such decision is not consistent with this chapter.

(c) **During enforcement proceedings**. During an enforcement proceeding, the zoning administrator or administrative unit taking enforcement action has the burden of proof to show that the action or development is in violation of this chapter.

6-7 Concurrent review

To the extent possible, a development project requiring multiple reviews should be done concurrently. When one approval is a condition precedent to approval of another application, the approvals shall be issued in the requisite order.

6-8 Withdrawal of application

(a) **Timing of withdrawal**. An applicant may withdraw an application anytime after submittal, but prior to a final decision.

(b) **Effect of withdrawal**. A request to withdraw an application terminates the review process and no decision shall be rendered.

(c) **Retention of application materials**. A withdrawn application and related review documents shall be kept as a permanent public record.

6-9 Permission to enter subject property

Submission of an application as may be required in this chapter authorizes city officials and employees, or other designated agents to enter the subject property to verify information in the application and to conduct other site investigations as may be necessary to review the application. This does not authorize any individual to enter any building on the subject property in the absence of the property owner or his or her authorized agent. Failure to allow access to the subject property is sufficient grounds to deny the application.

6-10 Effect of an outstanding violation

If the zoning administrator determines that a parcel is in violation of this chapter, no permit or approval of any kind shall be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

6-11 Effect of an outstanding obligation

No permit or approval of any kind shall be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

6-12 Application review schedule

(a) **Authority**. The zoning administrator shall from time to time prepare a schedule establishing deadlines for submitting the various types of applications.

(b) **Publication of schedule**. The zoning administrator shall make the current review schedule available to the public and may post it on the city's website.

6-13 Application forms

The zoning administrator shall prepare application forms and may amend them from time to time.

6-14 Application fees and other charges

(a) **Assessment of fees**. From time to time, the Common Council may by resolution establish application fees and other charges it deems necessary in the administration of this chapter consistent with s. 66.0628, Wis. Stats.

(b) **Timing for payment**. Application fees shall be paid at the time the application is submitted for review.

(c) **Doubling of application fee**. If an activity which requires prior authorization under this chapter is started before the authorization is granted, the application fee is automatically doubled unless the Common Council specifically establishes a different fee by resolution. Payment of such fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(d) **Refunds**. Application fees are nonrefundable, except when the application and fee were accepted by the zoning administrator or city staff in error.

6-15 Charge back of professional service fees

(a) **Generally**. When specifically authorized by this chapter and pursuant to s. 66.0628, Wis. Stats., an applicant shall be responsible for paying the professional service fees of individuals or private firms the zoning administrator elects to hire to assist in the review of a submitted application. Such fees may cover time, materials, and other related expenses of attorneys, planners, engineers, and other specialists, and their support staff. Payment of fees is required whether the application is approved or not.

(b) **Billing procedure**. The City Clerk shall prepare an itemized statement of the professional service fees to be charged and provide a copy to the applicant. Such statement shall be in writing and shall contain, at a minimum, the following information:

(1) a statement that the applicant has a specified period of time, not less than 30 days, to pay;

(2) a statement that the applicant may appeal one or more of the itemized charges within 15 days of the date of the statement to the Common Council; and

(3) a statement that any unpaid charge will be assessed as a delinquent charge against the subject property.

(c) **Appeal of charges**. To appeal one or more charges, the applicant shall submit a written appeal to the City Clerk within the appeal period stated on the statement. The Common Council shall consider the matter at its next regular meeting, provided the date of the meeting is 10 days or more from the date the appeal is received. The Common Council shall have the power to approve the charges as assessed or reduce the amount of charges in whole or in part with cause.

(d) **Nonpayment**. If the applicant does not appeal the charges within the time period specified in the statement, the City Treasurer shall automatically charge any unpaid amount as a delinquent tax against the property as provided by state law. In the event the applicant submits an appeal as provided in this section, no charges shall be placed on the tax roll unless and until such time the Common Council approves the charges against the tax roll in whole or in part. In the event the statement provided to the applicant or the time given for the applicant to pay or following a hearing if the Common Council approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

6-16 Other required approvals

It is the responsibility of those undertaking development projects within the city to obtain all applicable permits and other approvals as may be required by the City of Washburn, Bayfield County, and federal and state authorities as may be required.

6-17 Building permit

A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required.

6-18 Appeals

If a development project is approved under this chapter, the applicant may, upon receipt of the decision notice and satisfaction of all precedent conditions of approval, commence the work as authorized under the approval with the understanding that an aggrieved person may file an appeal with the appropriate review body. Prior to the end of the appeal period, all such work proceeds at the risk of the applicant. Similarly, any work that is done while an appeal is pending is done at the risk of the applicant.

6-19 Revocation or modification of a prior approval

The reviewing authority may revoke or modify an approval if it determines that information in the application or otherwise provided by the applicant or the applicant's agent was incomplete, false, misleading, or inaccurate and such information would have altered their decision to grant approval or the terms of the approval which were or were not imposed, including conditions of approval.

6-20 to 6-30 Reserved

DIVISION 2
NOTICE REQUIREMENTS

Sections

6-31	Generally	6-36	Property owner notice
6-32	When notice is required	6-37	Distribution list notice
6-33	Content of required notice	6-38	Meeting agenda
6-34	Cost to provide notice	6-39	Affidavit of mailing
6-35	Public notice		

6-31 Generally

The type of notice that is given for each of the various procedures outlined in this article is dictated by the nature of the decision. Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter or it does not. In contrast, there are other decisions that involve more discretion and judgment based on particular circumstances. The review of a conditional use application, for example, involves discretion on the part of those involved in making recommendations and a final determination whether the application should be approved or not. As a general rule, notice for an application is not given for administrative decisions. More notice is given when a proposed action could potentially affect other parties, including nearby property owners, other governmental bodies, and the general public. This division outlines when notice is to be given and the nature of the notice when it is required.

6-32 When notice is required

Notice shall be provided as shown in Exhibit 6-1.

Exhibit 6-1. Notice

Division in Article 7	Type of Action	Public Notice [1] Class 1	Public Notice [1] Class 2	Property Owner Notice [2]	Distribution List Notice [3]	Meeting Agenda [4]
1.	Code amendment – map amendment – landowner initiated	-	X [5]	X	X	X
1.	Code amendment – map amendment – city initiated	-	X [5]	-	X	X
1.	Code amendment – text amendment	-	X [5]	-	X	X
2.	Planned unit development	-	X	X	-	X
3.	Conditional use	-	X	X	-	X
4.	Site plan	-	-	-	-	X
5.	Wireless Telecommunication Facilities	-	X	X	-	X
6.	Plan of operation	-	-	-	-	X
7.	Architectural review	-	-	-	-	X
8.	Special exception	-	-	-	-	X
9.	Temporary use, major	-	-	-	-	X
9.	Temporary use, minor [6]	-	-	-	-	-
10.	Reserved					
11.	Rural accessory building determination [6]	-	-	-	-	-
11.	Rural accessory building determination – upon appeal to Plan Commission	-	-	-	-	X
12.	Change in topography (50-499 cubic yards) [6]	-	-	-	-	-
12.	Change in topography (500 cubic yards or more)	-	-	-	-	X
13.	Sign permit [6]	-	-	-	-	-
14.	Zoning permit [6]	-	-	-	-	-
15.	Reserved					
16.	Floodplain permit [6]	-	-	-	-	-
17.	Determination of navigability [6]	-	-	-	-	-
18.	Termination of approval – voluntary	-	-	-	-	X
18.	Termination of approval – involuntary	-	X	-	-	X
19.	Registration of a nonconforming use	-	-	-	-	X
20.	Reserved					
21.	Conversion of a nonconforming use	-	X	X	-	X
22.	Expansion of a nonconforming building	-	-	-	-	X
23.	Administrative appeal	-	X	-	-	X
24.	Variance	-	X	X	-	X

Key: "X" means that the indicated notice is required; a "-" means that the indicated notice is not required

Notes:

1. See s. 6-35 for more details
2. See s. 6-36 for more details
3. See s. 6-37 for more details
4. See s. 6-38 for more details
5. If the proposed amendment would have the effect of changing the allowable use of any property, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendment and a statement that a map may be obtained from the City Clerk.
6. This is an administrative decision; no public notice is required

6-33 Content of required notice

Notices shall include the information listed in Exhibit 6-2.

Exhibit 6-2. Content of notice

	Public Notice	Property Owner Notice	Distribution List Notice
Applicant name	X	X	X
Subject property address or other description by which the public can locate the subject property	X	X	X
Nature of the application	X	X	X
A description of the proposed project	X	X	X
Name of body or official who will consider the application	X	X	X
Date, time, and location of the public hearing	X	X	X
Location where the public can view the application	X	X	X
The criteria that will be used to evaluate the proposal	-	X	-
General location map	-	X	-

Key: An "X" means that the indicated information is required; a dash "-" means that the indicated information is not required

6-34 Cost to provide notice

The city shall pay the costs related to the provision of notice required under this division, unless otherwise specified by the Common Council.

6-35 Public notice

When required, the official responsible for processing the application shall place public notice in the official newspaper consistent with the following provisions:

(1) **Time requirements**. A class 1 notice shall be published one time at least 7 days before the meeting or hearing. A class 2 notice shall be published once each week for 2 consecutive weeks, the last one occurring at least 7 days before the meeting or hearing.[1]

(2) **Content**. The notice shall include the information listed in Exhibit 6-2 or as required by state law.

6-36 Property owner notice

(a) **Generally**. When required, the zoning administrator shall mail a notice to property owners within 100 feet of the subject property involved in the application consistent with the following provisions:

(1) **Time requirements**. The notice shall be mailed by regular mail at least 10 business days prior to the date of the meeting at which the matter will be considered.

(2) **Content**. The notice shall include the information listed in Exhibit 6-2 or as required by state law.

(b) **Source of names and addresses**. The names and addresses of property owners shall be deemed to be those listed on the tax records maintained by Bayfield County.

(c) **Failure to notify owner**. The failure of a person to receive notice as described in this section shall not invalidate or otherwise have any effect upon a public hearing or other action taken on the application.

(d) **Affidavit of mailing**. The person sending the notices shall prepare an affidavit of mailing to certify that notice was provided as described in this section.

6-37 Distribution list notice [2]

(a) **Establishment of distribution list**. The City Clerk shall maintain a list of persons who submit a written request to receive notice of any proposed regulation or amendment.

(b) **When notice is required**. The body conducting the public hearing shall send a notice, which contains a copy of the proposed regulation or amendment, to each person on the distribution list whose property, the allowable use of which may be affected by the proposed regulation or amendment.

[1] Commentary: See ss. 985.01(1m) and 985.07, Wis. Stats.
[2] Commentary: See s. 62.23(7)(d)(4), Wis. Stats.

(c) **Method of distribution of notices**. The notice shall be by mail or in any reasonable form that is agreed to by the person and the City Clerk.

(d) **Establishment of charges**. The Common Council may from time to time adopt a resolution establishing a processing fee that shall be charged to each person on the list who is sent a notice. The amount of such fee shall not exceed the approximate cost of providing the notice to the person.

(e) **Effect of failure to send notice**. An ordinance or amendment shall take effect if the body conducting the meeting fails to send the notice as required by this section.

(f) **Affidavit of mailing**. The person sending the notices shall prepare an affidavit of mailing to certify that notice was provided as described in this section.

6-38 Meeting agenda notice

When required, the body responsible for acting on the application shall place the item on its meeting agenda.

6-39 Affidavit of mailing

An affidavit of mailing provides documentary evidence that a mailing as required in this chapter was mailed. An affidavit of mailing shall be kept as a public record.

6-40 to 6-50 Reserved

DIVISION 3
PUBLIC HEARINGS

Sections

6-51	Legislative findings	6-54	Continuances
6-52	General requirements	6-55	Public comment
6-53	General procedure		

6-51 Legislative findings

The Common Council makes the following legislative findings relating to public hearings:

(1) Public hearings should be conducted in an orderly, timely, and efficient manner.

(2) Public input is important and should be encouraged.

6-52 General requirements

(a) **Meetings to be public**. All public hearings shall be conducted in the city hall or in such other public place as may be selected by the body conducting the hearing.

(b) **Notice of meetings**. Notice of public hearings shall be given as provided for in division 2 of this article.

6-53 General procedure

The presiding officer conducting the public hearing may follow the following procedure listed in this section as a general guideline. For matters of little complexity or controversy, the presiding officer may adjust the procedures as appropriate.

(1) Announce the purpose and subject of the public hearing.

(2) Determine whether public notice as required by this chapter has been provided. If notice has not been provided, the hearing shall be postponed until such time as proper notice has been provided.

(3) Ask if any member of the body conducting the public hearing has a conflict of interest in regard to the matter being discussed and excuse those who do.

(4) Ask if any member of the body conducting the public hearing believes another member has a conflict of interest in regard to the matter being discussed. If so, and following a discussion of the alleged conflict of interest, the members (except the member with the alleged conflict) shall determine by vote

whether a reasonable person may conclude that the member has a conflict of interest and should be removed from the pending decision.

(5) Ask the applicant to describe the proposal.

(6) Ask the staff to present a staff report, if required.

(7) Allow members of the body conducting the public hearing to direct questions to the applicant and staff, if present.

(8) Ask for statements from the public.

(9) Read aloud written comments which were submitted when the individual submitting the comments is not in attendance.

(10) Call for questions of the members of the body conducting the public hearing during which time they may ask questions of a member of the public, the applicant, and the staff, if present.

(11) Ask the applicant if he or she wishes to (1) respond to any comment made by an individual during the proceeding, (2) submit additional information, (3) amend the application, or (4) request a continuance.

(12) Announce that the body shall not accept any additional comment from the applicant or any member of the public once the public hearing is closed.

(13) Ask for a motion and second to close the public hearing.

6-54 Continuances

(a) **Prior to start of public hearing**. In the event the applicant or the applicant's agent is not present for the public hearing, the body conducting the public hearing may authorize a continuance.

(b) **During a public hearing**. Prior to the close of the public hearing, the applicant may request a continuance and the body conducting the public hearing may agree to the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a continuance, but the applicant is not required to grant such request. If the applicant does not grant a continuance, the body shall act on the information at its disposal.

(c) **Effect**. A continuance stops the time clock, if any, for making a decision.

(d) **Notice requirements**. A public hearing may be continued to a later date without again providing public notice, provided the location, date, and time for the continued hearing are announced at the time of the continuance.

6-55 Public comment

(a) **Time limitations on public comment**. The presiding officer may impose a time limit on members of the public who wish to address the body conducting the public hearing to assure completion of the agenda in a timely manner. Under no circumstance shall such time limit be less than 3 minutes.

(b) **Written comment**. Prior to the close of the public hearing, members of the public may submit written comments to the body conducting the public hearing. Such documents shall be retained and made part of the public record for the proceeding.

6-56 to 6-70 Reserved

DIVISION 4
FINANCIAL GUARANTEES

Sections

6-71	Letter of credit
6-72	Cash deposit
6-73	Insufficient funds

6-71 Letter of credit

(a) **Form**. The letter of credit shall be irrevocable and shall be in a form acceptable to the city attorney.

(b) **Amount**. The amount of the letter of credit shall conform to the amount established in this code. If an amount is not specified in this code, the Common Council shall establish the amount.

(c) **Acceptance required**. A letter of credit is not accepted by the City until formal action by the Common Council board upon the recommendation of the city attorney.

(d) **Minimum requirements for issuer**. The bank, savings and loan, or other financial institution issuing the letter of credit must be authorized to do business in the state of Wisconsin and have a financial standing acceptable to the city attorney.

(e) **Obligation of private party**. The provision of a letter of credit shall not remove the burden of performing the work the letter of credit is intended to guarantee.

6-72 Cash deposit

(a) **Generally**. If a cash deposit is provided under this code, the City is not obligated to pay interest thereon. Any such cash deposit shall remain in the custody of the City Treasurer.

(b) **Amount**. The amount of the cash deposit shall conform to the amount established in this code. If an amount is not specified in this code, the Common Council shall establish the amount.

(c) **Acceptance required**. A cash bond is not accepted by the City until formal action by the Common Council.

(d) **Obligation of private party**. The provision of a cash deposit shall not remove the burden of performing the work the cash deposit is intended to guarantee.

(e) **Administrative fee**. When a cash deposit is offered as a financial guarantee, the City may charge a fee for the additional work required of the City Clerk and City Treasurer to monitor and handle the cash deposit. The amount of such fee shall be set by the Common Council from time-to-time by resolution.

6-73 Insufficient funds

If the City exercises its right to use a financial guarantee and the cost of performing the authorized work exceeds the amount of the financial guarantee, the City shall send a bill to the property owner for the outstanding balance. If the property owner does not pay such costs within 30 days after billing, such costs shall constitute a special charge under s. 66.0627, Wis. Stats., or as otherwise authorized by state law.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 7
SPECIFIC PROCEDURAL REQUIREMENTS

Divisions

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DIVISION 1
CODE AMENDMENT

Sections

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7-2	Initiation	7-6	Imposition of conditions
7-3	Review procedure	7-7	Application content
7-4	Effective date of adopted ordinance	7-8	Staff report content

7-1 Generally

From time to time, it may be necessary or desirable to amend the text of this chapter and the zoning map. This division describes the procedures and requirements to amend this chapter and the zoning map.

7-2 Initiation

Any of the following may submit initiate an amendment to the text of this chapter or the zoning map:

(1) a citizen,

(2) the zoning administrator,

(3) the Plan Commission,

(4) the Zoning Board of Appeals,

(5) the Mayor, and

(6) the Common Council.

When a citizen initiates an amendment, the citizen is referred to in this Division as the "applicant."

7-3 Review procedure[1]

The general steps outlined below shall be used to amend the text of this chapter and the zoning map.

(1) **Submittal of application materials**. For amendments initiated by a citizen, the applicant shall submit a complete application to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Distribution to Department of Natural Resources**. If the proposed amendment would revise floodplain or shoreland-wetland regulations in this chapter, the zoning administrator shall send a copy of the application to the regional office of the Wisconsin Department of Natural Resources within 5 work days of receipt.

(3) **Staff review**. Within 30 calendar days of submittal of the application, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission if the application is deemed complete or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Special notice to airport**. If the proposed amendment is for any change in an airport affected area, as defined in s. 62.23(6)(am)1.b., Wis. Stats., the zoning administrator shall mail a copy of the notice by regular mail to the owner or operator of the airport bordered by the airport affected area.

(5) **Special notice to specified municipalities**. At least 10 calendar days prior to the date of the public hearing, the zoning administrator shall give notice of the proposed amendment to the clerk of any municipality whose boundary are within 1,000 feet of any lands included in the proposed amendment.

(6) **Special notice to Department of Natural Resources**. If the proposed amendment would revise the floodplain regulations in this chapter, the zoning administrator shall send a copy of the public hearing

[1] Commentary: See s. 62.23(7)(d), Wis. Stats.

notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.[2]

(7) **General notice by type and source of proposed amendment**. If a proposed amendment would revise the text of this chapter, the zoning administrator shall provide for class 2 public notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 6. If a property owner initiates a proposed amendment that would revise the zoning map, the zoning administrator shall provide for class 2 public notice, property owner notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 6. If the City initiates a proposed amendment that would revise the zoning map, the zoning administrator shall provide for class 2 public notice, distribution list notice, and meeting agenda notice consistent with Division 2 of Article 6.

(8) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the applicant, and any other interested person upon request.

(9) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the proposed amendment consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with Division 3 of Article 6. If a continuance is granted, the Plan Commission may direct the zoning administrator to conduct additional research.

(10) **Recommendation**. After considering the public comments received at the public hearing and the staff report, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment.

(11) **Transmittal of recommendation**. If the Plan Commission action is favorable, the zoning administrator shall prepare a draft ordinance effectuating its determination if such ordinance has not already been drafted. If the Plan Commission action is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(12) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(13) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(14) **Decision**. The Common Council after considering the Plan Commission's recommendation shall make a decision based on the decision criteria contained in this division to (i) approve the amendment, (ii) approve the amendment with conditions, or (iii) deny the amendment.

(15) **Required vote with a protest by qualified property owners**. An amendment to the zoning map may not become effective except upon a favorable vote of 3/4 of the Common Council members voting on the proposed change when (i) those owning 20 percent or more of the land area within the proposed map amendment file a written protest, (ii) those owning 20 percent or more of the land area within 100 feet of the proposed map amendment file a written protest, or (iii) those owning 20 percent or more of the land directly opposite of the proposed map amendment but within 100 feet of the street frontage file a written protest.[3]

(16) **Required vote with protest of airport**. If a proposed amendment would make any change in an airport affected area, as defined under s. 62.23(6)(am)1.b., Wis. Stats., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment, no ordinance which makes such change may be approved except by the affirmative vote of two-thirds of the members of the Common Council present and voting.[4]

(17) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final ordinance consistent with this division.

(18) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(19) **Notification to Department of Natural Resources**. If the proposed amendment is approved and modifies the floodplain regulations in this chapter, the zoning administrator shall mail a copy of the ordinance to

[2] Commentary: See s NR 116.20(2)(c) and ch. NR 117, Wis. Admin. Code
[3] Commentary: See s. 62.23(7)(d)(2m)(a), Wis. Stats.
[4] Commentary: See s. 62.23(7)(d)(2m)(b), Wis. Stats.

the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.

(20) **Preparation of new zoning map**. If the proposed amendment is approved and modifies the zoning map, the zoning administrator shall cause a new zoning map to be prepared consistent with Division 2 of Article 8.

7-4 Effective date of adopted ordinance

(a) **Generally**. Unless otherwise specified, an adopted ordinance shall take effect upon publication.

(b) **Exceptions**. An amendment involving floodplain regulations shall not become effective until it is reviewed and approved by the regional office of the Wisconsin Department of Natural Resources. An amendment that modifies official floodplain zoning maps, floodway lines, or water surface profiles shall not become effective until it is reviewed and approved by the Federal Emergency Management Agency.

7-5 Basis of decision

(a) **Text amendment**. If a proposed amendment would revise the text of this chapter, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the City's comprehensive plan;

(2) whether the amendment is consistent with other planning documents adopted by the Common Council;

(3) whether this chapter with the amendment is internally consistent;

(4) whether the amendment is the least restrictive approach to address issues of public health, safety, and welfare;

(5) the extent to which the text amendment will likely create new nonconforming uses and structures;

(6) if the proposed amendment relates to floodplain regulations, whether the chapter as amended complies with ss. 62.23 and 87.30, Wis. Stats., ch. NR 116, Wis. Admin. Code, and other state laws;

(7) if the proposed amendment relates to shoreland-wetland regulations, whether the chapter as amended complies with s. 62.231, Wis. Stats.; ch. NR 117, Wis. Admin. Code; and other state laws;

(8) whether the proposed amendment is needed to comply with a new or revised state or federal law; and

(9) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Common Council given the particular circumstances.

(b) **Zoning map amendment**. If a proposed amendment would revise the zoning map, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) whether the amendment is consistent with the City's comprehensive plan, including future land use maps or similar maps;

(2) whether the amendment is consistent with other planning documents adopted by the Common Council;

(3) the extent to which the amendment will or will likely increase or decrease the number of nonconforming uses and structures; and

(4) any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Common Council given the particular circumstances.

(c) **Special review criteria for amendments to the shoreland-wetland overlay district boundary**. To ensure this chapter remains consistent with the shoreland protection objectives of s. 144.26, Wis. Stats., the Common Council shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

(1) storm and flood water storage capacity;

(2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(3) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) shoreline protection against erosion;

(5) fish spawning, breeding, nursery, or feeding grounds;

(6) wildlife habitat; or

(7) areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

7-6 Imposition of conditions

(a) **Generally**. The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval.

(b) **Mandatory conditions of approval relating to certain existing land uses.** If a proposed amendment would revise the zoning map and is initiated by a property owner and the property owner's property hosts a land use that at the time of application is not permitted in the proposed zoning district, such use shall be removed as a condition of approval. If the property owner's property hosts a land use that at the time of application is classified as a conditional use in the proposed zoning district, the property owner shall as a condition of approval submit a conditional use application and obtain approval for that land use or, if conditional use approval is not granted, remove such use.

7-7 Application content

An application for a citizen-initiated zoning map amendment shall include the following:

(1) an application form as may be used by the City,

(2) a project map prepared at an appropriate scale depicting the information listed in Appendix A, and

(3) other supporting information the applicant deems appropriate.

7-8 Staff report content

The staff report shall contain the following:

(1) preliminary findings for the decision criteria listed in this division;

(2) proposed revisions, if appropriate; and

(3) other information deemed necessary.

7-9 to 7-20 Reserved

DIVISION 2
PLANNED DEVELOPMENT DISTRICT

Sections

7-21	Generally	7-31	Application form and content
7-22	Initiation	7-32	Staff report content
7-23	Where allowed	7-33	Effect of approval
7-24	Ownership	7-34	Effect of approved planned development district on land division standards
7-25	Minimum size	7-35	Review of actual development within an approved planned development district
7-26	Development agreement	7-36	Amendment of an approved planned development district
7-27	Allowable uses	7-37	Expiration of an approval
7-28	Review procedure		
7-29	Basis of decision		
7-30	Imposition of conditions		

7-21 Generally

A planned development district allows for more flexibility in the development of land while ensuring substantial compliance with the intent of this chapter and the City's comprehensive plan.

7-22 Initiation

The owner of the subject property may submit an application for the establishment of a planned development district.

7-23 Where allowed

A planned development district may be established in any zoning district.

7-24 Ownership

At the time of establishment, all land within a planned development district shall be under single ownership or control.

7-25 Minimum size

To qualify for consideration as a planned development district, the area shall be of sufficient size in relation to the proposed uses.

7-26 Development agreement

If a planned development district is established pursuant to this division, the City and developer may enter into a development agreement that specifies the duties and obligations of both parties with respect to the development project.

7-27 Allowable uses

Land uses allowed in the underlying zoning district(s) may be allowed in a planned development district as specified in a general development plan. When the underlying zoning district is a residential or commercial district, a combination of residential, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial district, a combination of commercial and industrial uses may be allowed. A planned development district with a mix of residential and industrial uses is prohibited.

7-28 Review procedure

Establishment of a planned development district involves a two-step process. The review of a proposed project begins with a general development plan. If the general development plan is approved, a precise implementation plan for all or a part of the project is reviewed. If the precise implementation plan is approved, the project is

officially approved. The general steps outlined below shall be used in the review of an application for the establishment of a planned development district.

Step One – General Development Plan

(1) **Pre-submittal meeting with zoning administrator**. The applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.

(2) **Pre-application conference with Plan Commission**. The applicant shall meet with the Plan Commission for an informal discussion relating to the proposed project. At that meeting, the applicant shall provide the Plan Commission with materials that describe the proposed project in sufficient detail for a preliminary, non-binding review.

(3) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(4) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(5) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall provide for class 2 public notice, property owner notice, and meeting agenda notice.

(6) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and Common Council, the applicant, and any other interested person upon request.

(7) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with Division 3 of Article 6. If a continuance is granted, the Plan Commission may direct the zoning administrator to conduct additional research related to the proposed district.

(8) **Staff follow-up**. After the close of the public hearing, the Plan Commission may direct the zoning administrator, city engineer, and/or the city attorney to submit a follow-up report to the commission and/or direct the zoning administrator to prepare such documents it deems necessary, including a preliminary decision document.

(9) **Recommendation**. At a subsequent meeting of the Plan Commission, but no more than 60 calendar days after the public hearing, the Plan Commission shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.

(10) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(11) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(12) **Decision**. The Common Council after considering the Plan Commission's recommendation shall make a decision based on the decision criteria contained in this division to (i) approve the general development plan, subject to approval of a precise implementation plan; (ii) approve the general development plan with conditions, subject to approval of a precise implementation plan; or (iii) deny the general development plan.

(13) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a decision document consistent with this division.

(14) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(15) **Acceptance by property owner**. If the general development plan is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 2 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all of the property owner signatures have been obtained and the original signature copy is returned to the zoning administrator.

Step Two – Precise implementation plan

(1) **Submittal of precise implementation plan**. The applicant shall submit a precise implementation plan and other required materials to the zoning administrator along with the application fee as may be established by the Common Council. At the discretion of the applicant, such materials may be submitted concurrently with the review of the general development plan.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for review by the Plan Commission or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall provide for a meeting agenda notice.

(4) **Staff report preparation and distribution**. The zoning administrator shall prepare a staff report that evaluates whether the precise implementation plan is consistent with the approved general development plan and the suitability of the proposed plan given the additional information provided in the plan and supplemental materials. The zoning administrator shall provide a copy of it to each member of the Plan Commission and Common Council, the applicant, and any other interested person upon request.

(5) **Meeting**. Allowing for proper notice, the Plan Commission and the Common Council shall jointly review the precise implementation plan and the staff report.

(6) **Determination of consistency**. The Plan Commission shall determine whether the precise implementation plan is generally consistent with the approved general development plan with respect to density/intensity and permissible land uses. If the Plan Commission determines that the precise implementation plan is not generally consistent, the Plan Commission shall render that decision in writing and take no further action on the precise implementation plan.

(7) **Recommendation**. If the precise implementation plan is deemed to be consistent with the general development plan, the Plan Commission shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the precise implementation plan, (ii) approve the precise implementation plan with conditions, or (iii) deny the precise implementation plan.

(8) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(9) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(10) **Decision**. The Common Council after considering the Plan Commission's recommendation shall make a decision based on the decision criteria contained in this division to (i) approve the precise implementation plan, (ii) approve the precise implementation plan with conditions, or (iii) deny the precise implementation plan.

(11) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a decision document consistent with this division.

(12) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(13) **Acceptance by property owner**. If an approval includes one or more conditions of approval, the property owner shall sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 2 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

7-29 Basis of decision

In the review of a general development plan and the precise implementation plan, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;

(2) whether development in the proposed project is consistent with the City's comprehensive plan;

(3) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;

(4) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;

(5) the extent to which the natural features, open space, and/or farmland on the site are preserved;

(6) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the City that may apply;

(7) the effects of development in the proposed project on public services and facilities;

(8) whether adequate water and sanitary sewer facilities can be provided to development in the proposed project;

(9) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;

(10) effects of the proposed use on surrounding properties, including existing and anticipated uses;

(11) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts;

(12) whether the plan for development is clearly superior to development that is permitted based on the design and development standards of the underlying zoning district; and

(13) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-30 Imposition of conditions

(a) **Generally**. The Plan Commission may recommend and the Common Council may impose conditions as may be necessary to grant approval. Such conditions may relate to any of the factors it considered in reaching its decision. In addition, the Plan Commission may recommend and the Common Council may require the provision of off-site improvements that may be necessary to approve the establishment of the planned development district project.

(b) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[5]

7-31 Application form and content

(a) **General development plan**. The application submittal for a general development plan shall include the following:

[5] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(1) an application form as may be used by the City;

(2) a general development plan prepared at an appropriate scale depicting the information listed in Appendix A;

(3) a preliminary draft of covenants if any are to be imposed; and

(4) a development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

(b) **Precise implementation plan**. The application submittal for a precise implementation plan shall include the following:

(1) an application form as may be used by the City;

(2) a precise implementation plan prepared at an appropriate scale depicting the information listed in Appendix A;

(3) a final draft of covenants if any are to be imposed;

(4) homeowners association documents, if required;

(5) a development agreement, if required; and

(6) a development schedule, if the project is to be constructed in phases, which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

7-32 Staff report content

The staff report shall contain the following:

(1) preliminary findings for the decision criteria listed in this division;

(2) a preliminary list of recommended conditions of approval; and

(3) other information deemed necessary.

7-33 Effect of approval

If the Common Council approves a planned development district, the approval shall run with the land and is binding on all subsequent property owners.

7-34 Effect of approved planned development district on land division standards

Development in a planned development district is subject to the City's land division regulations to the extent applicable, except that the Plan Commission or Common Council may waive a development standard in the land division regulations as provided therein.

7-35 Review of actual development within an approved planned development district

If the Common Council approves a planned development district, proposed development in the district shall be reviewed consistent with the requirements of this article as may apply (e.g., building, site, and plan of operation).

7-36 Amendment of an approved planned development district

If the Common Council approves a planned development district, the Plan Commission and Common Council shall review all proposed changes to the project plan that was approved at the time of approval. If in the opinion of the Common Council, the proposed change constitutes a minor alteration, the Common Council may approve the requested change at a regular or special meeting of the Common Council. If the proposed change constitutes a major alteration, the review procedure in this division shall be followed.

7-37 Expiration of an approval

If any portion of a planned development district that can be developed remains substantially undeveloped 3 years after final approval, the Common Council may rescind the approval, in whole or in part, following a public hearing. Upon written petition, the Common Council may with good cause grant a one-time extension not to

exceed 4 years. In the event the Common Council rescinds an approval, the Common Council shall at that time reclassify undeveloped lands in the district based on the zoning regulations in effect at that time. Developed portions of the planned development district may either be allowed to retain the planned development district designation or reclassified based on the zoning regulations in effect at that time.

7-38 to 7-50 Reserved

DIVISION 3
CONDITIONAL USE

Sections

7-51	Generally	7-58	Staff report content
7-52	Applicability	7-59	Content of decision document
7-53	Initiation	7-60	Effect of approval
7-54	Review procedure	7-61	Expiration of an approval
7-55	Basis of decision	7-62	Amendment of an approved conditional use
7-56	Imposition of conditions		
7-57	Application form and content		

7-51 Generally

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as conditional uses. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use.

7-52 Applicability

Those land uses designated as conditional uses in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

7-53 Initiation

The owner of the subject property may submit an application for the establishment of a conditional use.

7-54 Review procedure

The general steps outlined below shall be used in the review of an application for a conditional use.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(3) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to complete the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Special notice to Department of Natural Resources**. If the application relates to the floodplain regulations in this chapter, the zoning administrator shall send a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.

(5) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.

(6) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the applicant, and any other interested person upon request.

(7) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with Division 3 of Article 6. If a continuance is granted, the Plan Commission may direct the zoning administrator to conduct additional research.

(8) **Staff follow-up**. If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator to prepare a preliminary decision document.

(9) **Recommendation**. After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.

(10) **Transmittal of recommendation**. If the Plan Commission action is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission action is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(11) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(12) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(13) **Decision**. After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.

(14) **Preparation of final decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division.

(15) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(16) **Notification to Department of Natural Resources**. If the application relates to the floodplain regulations in this chapter, the zoning administrator shall mail a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources within 10 calendar days of the date of decision.

(17) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(18) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(19) **Recording of decision document**. If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.

(20) **Administrative steps**. If the conditional use is approved and the zoning administrator has created a map showing conditional uses, the zoning administrator shall add the conditional use to that map.

7-55 Basis of decision

(a) **Generally**. When reviewing conditional uses other than nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) the size of the parcel on which the proposed use will occur;

(2) the presence of and compatibility with other uses on the subject property, if any;

(3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);

(4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(5) the suitability of the subject property for the proposed use;

(6) effects of the proposed use on the natural environment;

(7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;

(8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and

(9) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

(b) **Nonconforming conditional uses**. When reviewing nonconforming conditional uses, the Plan Commission in making its recommendation and the Common Council in making its decision shall make the following determinations:

(1) The nonconforming use will not be adverse to the public health, safety, or welfare.

(2) The nonconforming use is in keeping with the spirit and intent of this chapter.

(3) The nonconforming use would not be otherwise detrimental to the area and in particular the surrounding properties.

The Common Council shall grant approval for a nonconforming conditional use only if the council can make an affirmative finding for all of the criteria listed in this subsection.

7-56 Imposition of conditions

(a) **Generally**. The Plan Commission may recommend and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare.

(b) **Condition may not lessen any requirement**. A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Special consideration for solar panels**. In those instances where a solar panel is classified as a conditional use, the reviewing authority may impose one or more conditions of approval, provided the condition satisfies one of the following:

(1) The condition serves to preserve or protect the public health or safety.

(2) The condition does not significantly increase the cost of the system or significantly decrease its efficiency.

(3) The condition allows for an alternative system of comparable cost and efficiency.[6]

(d) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[7]

(e) **Special condition for business as property owner**. As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office and registered agent in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

7-57 Application form and content

The application submittal shall include an application form as may be used by the City and a project map prepared at an appropriate scale depicting the information listed in Appendix A.

7-58 Staff report content

The staff report shall contain preliminary findings for the decision criteria listed in this division and other information deemed appropriate.

7-59 Content of decision document

(a) **Approval.** If the application for a conditional use is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the conditional use,

(3) a description of where the conditional use will occur on the property,

(4) reasons for the decision based on the criteria listed in this division,

(5) a list of conditions of approval that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both,

(6) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(7) a statement that the applicant may appeal the decision to the Zoning Board of Appeals,

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(9) a statement indicating the nature of the approval (i.e., personal to the property owner or runs with the land),

(10) other information the Common Council or zoning administrator deems appropriate,

(11) the signature of the zoning administrator on behalf of the Common Council, and

(12) the date of the decision.

(b) **Denial.** If the application for a conditional use is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the project, including acreage and proposed use characteristics,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

[6] Commentary: See s. 66.0401(1m), Wis. Stats.

[7] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(6) other information the Common Council or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Common Council, and

(8) the date of the decision.

7-60 Effect of approval

Unless otherwise specified in the conditional use order, approvals are personal to the property owner meaning the approval automatically lapses when the property owner ceases to own the property.

7-61 Expiration of an approval

(a) **Non-establishment of use**. If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (i) the permit holder requests the extension prior to the expiration of the approval, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Cessation of use**. If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article.

7-62 Amendment of an approved conditional use

Following approval of a conditional use, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-63 to 7-70 Reserved

DIVISION 4
SITE PLAN

Sections

7-71	Generally	7-78	Staff report content
7-72	Applicability	7-79	Content of decision document
7-73	Initiation	7-80	Effect of approval
7-74	Review procedure	7-81	Expiration of an approval
7-75	Basis of decision	7-82	Amendment of an approved site plan
7-76	Imposition of conditions		
7-77	Application form and content		

7-71 Generally

The way in which a land use occupies a lot has a direct effect on the overall functionality of the site, the extent to which the land use can be expanded on the site in the future, effects of the land use on nearby properties, and impacts on existing and anticipated public and private infrastructure. This division describes the requirements and procedures for reviewing site plans.

7-72 Applicability

Those land uses designated as requiring site plan review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

7-73 Initiation

The owner of the subject property may submit an application for a site plan.

7-74 Review procedure

(a) **All zoning districts except in MUW district**. The general steps outlined below shall be used in the review of a site plan application in all zoning districts except in the Mixed-Use Waterfront (MUW) district.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(5) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(6) **Decision**. The Plan Commission shall (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.

(7) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(8) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(9) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(10) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Mixed-Use Waterfront zoning district**. The general steps outlined below shall be used in the review of a site plan application in the Mixed-Use Waterfront (MUW) district.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice

or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(5) **Plan Commission meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(6) **Recommendation**. After considering all of the information submitted by the applicant and the staff report, the Plan Commission shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan. The Plan Commission may render its recommendation at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the initial meeting unless the applicant agrees to an extension of a specified duration.

(7) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(8) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(9) **Decision**. After considering all of the information submitted by the applicant, the staff report, and the Plan Commission's recommendation, the Common Council shall (i) approve the site plan, (ii) approve the site plan with conditions, or (iii) deny the site plan.

(10) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a decision document consistent with this division.

(11) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(12) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(13) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-75 Basis of decision

The Plan Commission in making its recommendation/decision and the Common Council in making its decision shall consider the following factors:

(1) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(2) effects of the project on the natural environment;

(3) effects of the project on surrounding properties;

(4) compliance with the general site design principles enumerated in s. 8-163;

(5) compliance with the design principles for parking lots enumerated in s. 17-3;

(6) compliance with other applicable requirements contained in this chapter; and

(7) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-76 Imposition of conditions

(a) **Generally**. The reviewing authority may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, revisions to the site design, and outdoor lighting.

(b) **Effect on contracts with another party.** The reviewing authority shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[8]

7-77 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-78 Staff report content

The staff report shall contain the following:

(1) a description of the proposed project;

(2) preliminary findings for the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

(4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary.

7-79 Content of decision document

(a) **Approval**. If the application for a site plan is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the proposed project,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(8) other information the Plan Commission or zoning administrator deems appropriate,

(9) the signature of the zoning administrator on behalf of the Plan Commission or Common Council, and

(10) the date of the decision.

(b) **Denial**. If the application for a site plan is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the proposed project,

(3) reasons for the decision based on the criteria listed in this division,

[8] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission or Common Council, and

(8) the date of the decision.

7-80 Effect of approval

If a site plan is approved or approved with conditions, such approval shall run with the land and is binding on all subsequent property owners.

7-81 Expiration of an approval

An approval of a site plan shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-82 Amendment of an approved site plan

Following approval of a site plan, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-83 to 7-90 Reserved

DIVISION 5
WIRELESS TELECOMMUNICATION MOBILE SERVICE FACILITIES

Sections

7-91	Purpose	7-95	Expiration of an approval
7-92	Review procedures	7-96	Amendment of an approval
7-93	Application form	7-97	Fees
7-94	Imposition of conditions		

7-91 Purpose

Provisions in this chapter relating to mobile service facilities are intended to regulate such uses to the full extent allowed by s. 66.0404, Wis. Stats., and other applicable laws. Nothing herein is intended to regulate or to authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by any state or federal law.

7-92 Review procedures

(a) **New telecommunication tower and Class 1 collocation**. The general steps outlined below shall be used to review an application for a new telecommunication tower and a Class 1 collocation when designated as a conditional use in the land-use matrix (Table 8-1).

(1) **Submittal of application materials**. The applicant shall submit a completed application to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Determination of completeness**. The zoning administrator shall review the application and determine whether the application is complete. If the application includes all of the required information, the

application shall be found to be complete. The zoning administrator shall notify the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their application as often as necessary until it is complete.

(3) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.

(4) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report and provide a copy of it to each member of the Plan Commission and Common Council, the applicant, and any other interested person upon request.

(5) **Public hearing**. Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with Division 3 of Article 6.

(6) **Staff follow-up**. If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator, to prepare a preliminary decision document.

(7) **Recommendation**. After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use.

(8) **Transmittal of recommendation**. If the Plan Commission action is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission action is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(9) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(10) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(11) **Decision**. After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision to (i) approve the conditional use, (ii) approve the conditional use with conditions, or (iii) deny the conditional use. Final action shall be taken within 90 days of the date the application is deemed complete, unless the time is extended by the applicant.

(12) **Preparation of final decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final decision document.

(13) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(14) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(15) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(16) **Recording of decision document**. If the property owner returns the decision document within the required time period with the required signatures, the zoning administrator shall record the decision document against the subject property in the office of the Bayfield County register of deeds.

In the event an applicant believes the City has exceeded its authority as set forth in 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA s. 1455, the applicant shall notify the zoning administrator in

writing and the reviewing authority reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(b) **Class 2 collocation**. The general steps outlined below shall be used to review an application for a Class 2 collocation which is allowed in all zoning districts.

(1) **Submittal of application materials**. The applicant shall submit a completed application to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Determination of completeness**. The zoning administrator shall review the application and determine whether the application is complete. If the application includes all of the required information, the application shall be found to be complete. The zoning administrator shall notify the applicant in writing within 5 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their application as often as necessary until it is complete.

(3) **Decision**. The zoning administrator shall make a decision on the application within 45 days of the date the application is deemed complete, unless the time is extended by the applicant. The decision shall be stated in writing. If approval is not granted, the reasons therefor must be stated.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

In the event an applicant believes the City has exceeded its authority as set forth in 66.0404, Wis. Stats., and other such laws as may apply which may include 47 USCA s. 1455, the applicant shall notify the zoning administrator in writing and the reviewing authority reserves the right to reconsider the matter, to ensure that applicable laws are followed.

7-93 Application form

(a) **New telecommunication tower and Class 1 collocation**. An application form for a new telecommunication tower or a Class 1 collocation shall include all of the following information as appropriate:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed tower or affected tower.

(3) The location of the proposed mobile service facility.

(4) If an application is to substantially modify an existing telecommunication tower, a construction plan which describes the proposed modifications to the tower, and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(5) If an application is to construct a new telecommunication tower, a construction plan which describes the proposed tower and equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

(6) If an application is to construct a new telecommunication tower, an explanation as to why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

(b) **Class 2 collocation**. An application form for a Class 2 collocation shall include the following information:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed tower or affected tower.

(3) The location of the proposed mobile service facility.

7-94 Imposition of conditions

(a) **Generally**. The reviewing authority may impose one or more conditions of approval as may be necessary to grant approval. Such conditions may relate to any aspect of the use that impacts the public health, safety, or general welfare, subject to subsection (b) below.

(b) **Limitations**. The reviewing authority may not impose any of the following as a condition of approval:

(1) A requirement relating to environmental testing, sampling, or monitoring.

(2) A requirement relating to radio frequency emissions.

(3) A requirement to pay a reoccurring fee.

(4) A requirement that the structure or mobile service facility owner must provide space on or near the structure for the use of or by the City at less than the market rate, or to provide the City other services via the structure or facilities at less than the market rate.

(5) Limit the duration of the approval.

(6) A requirement that the applicant must indemnify or insure the City in connection with the political subdivision's exercise of its authority to approve the application.

(7) A requirement that the applicant must give the City the right to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the City or an entity in which the City has a governance, competitive, economic, financial, or other interest.

7-95 Expiration of an approval

(a) **Non-establishment of use**. If the zoning administrator determines that substantial work as authorized by a conditional use approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months provided (i) the permit holder requests the extension prior to the expiration of the approval, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Cessation of use**. If the zoning administrator determines that a conditional use has ceased to operate for any reason, whether intentional or otherwise, for more than 12 continuous months, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article.

7-96 Amendment of an approval

Following approval, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-97 Fees

(a) **Professional services fees**. Costs incurred by the City in obtaining legal, planning, engineering, and other technical and professional advice in connection with an application shall be charged to the applicant as set forth in s. 6-14.

(b) **Limitation on fees**. The total of all fees associated with the review of an application shall not exceed the limits established by s. 66.0404(4)(d), Wis. Stats.

7-98 to 7-110 Reserved

DIVISION 6
PLAN OF OPERATION

Sections

7-111	Generally	7-117	Staff report content
7-112	Initiation	7-118	Content of decision document
7-113	Review procedure	7-119	Effect of approval
7-114	Basis of decision	7-120	Expiration of an approval
7-115	Imposition of conditions	7-121	Amendment of an approval
7-116	Application form and content		

7-111 Generally

The way in which many land uses operate has a direct effect on the nature of the use and potential effects on nearby properties, including existing and anticipated land uses. This division describes the requirements and procedures for reviewing those land uses that must submit a plan of operation for review and approval.

7-112 Applicability

Those land uses designated as requiring plan of operation review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

7-113 Initiation

The owner of the subject property may submit an application for a plan of operation.

7-114 Review procedure

(a) **Initial review**. The general steps outlined below shall be used in the review of a plan of operation application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(5) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(6) **Decision**. The Plan Commission shall (i) approve the plan of operation, (ii) approve the plan of operation with conditions, or (iii) deny the plan of operation. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the initial meeting unless the applicant agrees to an extension of a specified duration.

(7) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(8) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(9) **Acceptance by property owner**. If the application is approved, the property owner and the operator, if different, shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner or operator, if different, may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(10) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Common Council review on appeal**. If a final decision of the Plan Commission is appealed as provided for in this division, the general steps outlined below shall be used in the review of a plan of operation application.

(1) **Submittal of application materials**. The zoning administrator shall forward the application and other required materials the applicant initially submitted along with the decision document approved by the Plan Commission to the Common Council.

(2) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(3) **Meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(4) **Decision**. The Common Council shall (i) approve the plan of operation, (ii) approve the plan of operation with conditions, or (iii) deny the plan of operation. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.

(6) **Applicant notification**. Within a reasonable time following the Common Council's decision, the administrator shall mail the decision document to the applicant by regular mail.

(7) **Acceptance by property owner**. If the application is approved, the property owner and the operator, if different, shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner or the operator, if different, may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-115 Basis of decision

The Plan Commission and the Common Council on appeal shall consider the following factors in making their decision:

(1) the nature of the land use with regard to the number of employees, nature and extent of truck shipments to and from the site, hours of operation, use of hazardous substances, and other operational characteristics;

(2) the nature and extent of anticipated positive and negative effects on properties in the area;

(3) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed land use; and

(4) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-116 Imposition of conditions

(a) **Generally**. In approving a plan of operation, the Plan Commission or the Common Council on appeal may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to operational characteristic of the land use, including hours of operation and processes or activities related to the land use.

(b) **Effect on contracts with another party.** The Plan Commission or the Common Council on appeal shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[9]

7-117 Application form and content

The application submittal shall include an application form as may be used by the City.

7-118 Staff report content

The staff report shall contain the following:

(1) a description of the proposed project;

(2) preliminary findings for the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

(4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary.

7-119 Content of decision document

(a) **Approval**. If the application for a plan of operation is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the land use along with operational characteristic,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) a statement indicating that the property owner and operator, if different, must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(8) other information the Plan Commission or zoning administrator deems appropriate,

(9) the signature of the zoning administrator on behalf of the Plan Commission, and

(10) the date of the decision.

(b) **Denial**. If the application for a plan of operation is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the land use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

[9] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission, and

(8) the date of the decision.

7-120 Effect of approval

An approved plan of operation is personal to the applicant. Any change in ownership shall require a new approval.

7-121 Expiration of an approval

An approval of a plan of operation shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-122 Amendment of an approval

Following approval of a plan of operation, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-123 to 7-130 Reserved

DIVISION 7
ARCHITECTURAL REVIEW

Sections

7-131	Generally	7-137	Application form and content
7-132	Applicability	7-138	Content of decision document
7-133	Initiation	7-139	Effect of approval
7-134	Review procedure	7-140	Expiration of an approval
7-135	Basis of decision	7-141	Amendment of an approval
7-136	Imposition of conditions		

7-131 Generally

Architectural review is intended to ensure that buildings fit in to the context in which they occur.

7-132 Applicability

Those land uses designated as requiring architectural review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division. The exterior of an existing building designated as requiring architectural review may be resided or re-roofed with the same or similar type of materials.

7-133 Initiation

The owner of the subject property may submit an application for architectural review.

7-134 Review procedure

(a) **Initial review**. The general steps outlined below shall be used in the review of an architectural plan application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(4) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(5) **Decision**. The Plan Commission shall (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.

(6) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(7) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Common Council review on appeal**. If a final decision of the Plan Commission is appealed as provided for in this division, the general steps outlined below shall be used in the review of an architectural plan application.

(1) **Submittal of application materials**. The zoning administrator shall forward the application and other required materials the applicant initially submitted along with the decision document approved by the Plan Commission to the Common Council

(2) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(3) **Meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(4) **Decision**. The Common Council shall (i) approve the architectural plan, (ii) approve the architectural plan with conditions, or (iii) deny the architectural plan. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.

(6) **Applicant notification**. Within a reasonable time following the Common Council's decision, the administrator shall mail the decision document to the applicant by regular mail.

(7) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-135 Basis of decision

The Plan Commission in making its decision shall determine whether the project complies with all applicable design principles and standards.

7-136 Imposition of conditions

(a) **Generally**. In approving an architectural plan, the Plan Commission and Common Council on appeal may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) **Effect on contracts with another party.** The Plan Commission or the Common Council on appeal shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[10]

7-137 Application form and content

The application submittal shall include an application form as may be used by the City and a set of architectural plans prepared at an appropriate scale.

7-138 Content of decision document

(a) **Approval**. If the architectural plan is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the project,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(8) other information the Plan Commission or administrator deems appropriate,

(9) the signature of the zoning administrator on behalf of the Plan Commission or Common Council on appeal, and

(10) the date of the decision.

(b) **Denial**. If the application for a special exception is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the special exception,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission or the Common Council on appeal, and

(8) the date of the decision.

7-139 Effect of approval

An approval of an architectural plan shall run with the land and is binding on all subsequent property owners.

[10] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

7-140 Expiration of an approval

An approval of an architectural plan shall automatically expire 12 months after the date of issuance unless substantial work has commenced and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-141 Amendment of an approval

Following approval of an architectural plan, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-142 to 7-150 Reserved

DIVISION 8
SPECIAL EXCEPTION

Sections

7-151	Generally	7-157	Application form and content
7-152	Initiation	7-158	Staff report content
7-153	Review procedure	7-159	Content of decision document
7-154	Basis of decision	7-160	Effect of approval
7-155	Imposition of conditions	7-161	Expiration of an approval
7-156	Limitations on issuing a special exception		

7-151 Generally

Upon written petition, the Common Council may, on a case-by-case basis, grant a special exception for those development standards specifically noted as special exceptions in this chapter.

7-152 Initiation

The owner of the subject property may submit an application for a special exception.

7-153 Review procedure

The general steps outlined below shall be used in the review of a special exception application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(5) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(6) **Recommendation**. The Plan Commission shall make a recommendation to the Common Council based on the decision criteria in this division to(i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public meeting unless the applicant agrees to an extension of a specified duration.

(7) **Transmittal of recommendation**. If the Plan Commission recommendation is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission recommendation is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(8) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(9) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(10) **Decision**. After considering all of the information submitted by the applicant, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the special exception, (ii) approve the special exception with conditions, or (iii) deny the special exception.

(11) **Preparation of final decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division.

(12) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(13) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(14) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-154 Basis of decision

The Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) the size of the property in comparison to other properties in the area;

(2) the extent to which the issuance of the special exception permit would be in keeping with the overall intent of the this chapter;

(3) whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception;

(4) the nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception was granted;

(5) the nature and extent of anticipated positive and negative effects on properties in the area;

(6) actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception;

(7) a factor specifically listed under a section of this chapter authorizing the issuance of a special exception; and

(8) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-155 Imposition of conditions

(a) **Generally**. In approving a special exception, the Common Council may impose one or more conditions deemed necessary to further the intent and purposes of this chapter.

(b) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[11]

7-156 Limitations on issuing a special exception

A special exception shall only be approved in those instances where issuance is specifically authorized in this chapter.

7-157 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-158 Staff report content

The staff report shall contain the following:

(1) a description of the requested special exception;

(2) preliminary findings for the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

(4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary.

7-159 Content of decision document

(a) **Approval**. If the application for a special exception is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the special exception,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(8) other information the Common Council or zoning administrator deems appropriate,

(9) the signature of the zoning administrator on behalf of the Common Council, and

(10) the date of the decision.

[11] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

(b) **Denial**. If the application for a special exception is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the special exception,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Common Council or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Common Council, and

(8) the date of the decision.

7-160 Effect of approval

If a special exception is approved, such approval shall run with the land and is binding on all subsequent property owners.

7-161 Expiration of an approval

An approval for a special exception shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-162 to 7-170 Reserved

DIVISION 9
SPECIAL EVENT

Sections

7-171	Generally	7-176	Content of decision document
7-172	Initiation	7-177	Effect of approval
7-173	Review procedure	7-178	Expiration of an approval
7-174	Basis of decision	7-179	Appeal
7-175	Imposition of conditions		

7-171 Generally

For the purposes of this chapter, special events are categorized as either major or minor depending on potential impacts the event may have on public health, safety, and welfare. This division describes the requirements and procedures for reviewing special events.

7-172 Initiation

The person responsible for the event may submit an application for a special event.

7-173 Review procedure

(a) **Major temporary use**. The general steps outlined below shall be used in the review of an application for a major special event.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Special notice**. Depending on the nature of the special event, the zoning administrator shall provide a copy of the application to the Washburn Police Chief, Washburn Fire Chief, and other department heads.

(3) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(4) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(5) **Decision**. The Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the special event, (ii) approve the special event with conditions, or (iii) deny the special event.

(6) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a decision document consistent with this division.

(7) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Minor temporary use**. The general steps outlined below shall be used in the review of an application for a minor special event.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (i) approve the special event, (ii) approve the special event with conditions, or (iii) deny the special event. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-174 Basis of decision

When reviewing special events, the zoning administrator and the Common Council may consider the following factors in making their decision:

(1) the date and location of the event in relation to any other special event that may conflict with the proposed event;

(2) the duration of the event;

(3) the size of the parcel on which the proposed use will occur;

(4) the suitability of the subject property for the proposed use;

(5) whether adequate parking will be provided;

(6) the presence of and compatibility with other uses on the subject property;

(7) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing);

(8) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;

(9) effects of the proposed use on the natural environment;

(10) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances; and

(11) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-175 Imposition of conditions

(a) **Generally**. The zoning administrator and the Common Council may impose one or more conditions of approval as may be necessary to grant approval. Such conditions may relate to the manner in which the special event is conducted; requirements for parking and traffic management; posting of a financial guarantee deemed appropriate to ensure compliance and cleanup; measures to address on-site and off-site impacts; registration with the Wisconsin Department of Financial Institutions to help ensure compliance during enforcement proceedings if initiated; and any other aspect of the use that impacts the public health, safety, or general welfare.

(b) **Limitation on imposing conditions**. A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Effect on contracts with another party**. The zoning administrator and Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.

7-176 Content of decision document

(a) **Approval**. If the application for a special event is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the special event, including the date or dates it will operate,

(3) a description of where the special event will occur on the property,

(4) reasons for the decision based on the criteria listed in this division,

(5) a list of conditions of approval that must be satisfied prior to the establishment of the special event or complied with during the life of the special event, or both,

(6) if one or more conditions of approval are imposed, a statement indicating that the petitioner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(7) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(9) a statement indicating the approval is personal to the petitioner,

(10) other information the zoning administrator or Common Council deems appropriate,

(11) the signature of the zoning administrator, and

(12) the date of the decision.

(b) **Denial**. If the application for a special event is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the special event,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the zoning administrator or Common Council deems appropriate,

(7) the signature of the zoning administrator, and

(8) the date of the decision.

7-177 Effect of approval

An approval to conduct a special event is personal to the petitioner and may not be transferred to any other person.

7-178 Expiration of an approval

An approval shall only apply to the date of the proposed event, except that all conditions of approval shall continue in full force and effect.

7-179 Appeal

An aggrieved person may appeal the zoning administrator's final decision regarding a miniro special event by filing an appeal with the Common Council within 30 calendar days of such decision. Following the final decision of the Common Council, an aggrieved person may appeal such decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

7-180 to 7-190 Reserved

DIVISION 10
RESERVED

7-191 to 7-210 Reserved

DIVISION 11
RURAL ACCESSORY BUILDING DETERMINATION

Sections

7-211	Generally	7-216	Application form and content
7-212	Initiation	7-217	Content of decision document
7-213	Review procedure	7-218	Effect of approval
7-214	Basis of decision	7-219	Appeal
7-215	Imposition of conditions		

7-211 Generally

As more fully described in this division, the zoning administrator is authorized to designate certain existing accessory buildings as a "rural accessory building" in those zoning districts listed in Exhibit 8-1. If a building is so designated, it is not counted towards the allowable number of accessory buildings permitted on a lot or towards the allowable building square footage permitted on a lot. This division describes the procedures and requirements for a rural accessory building determination.

7-212 Initiation

The owner of the subject property may submit an application for a rural accessory building determination.

7-213 Review procedure

(a) **Initial review**. The general steps outlined below shall be used in the review of a rural accessory building determination application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Review by Common Council on appeal**. If a final decision of the zoning administrator is appealed as provided for in this division, the general steps outlined below shall be used to render an interpretation.

(1) **Submittal of application materials**. The zoning administrator shall forward the application and other required materials the applicant initially submitted to the Common Council along with the decision document.

(2) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(3) **Meeting**. Allowing for proper notice, Common Council shall consider the application at a regular or special meeting.

(4) **Decision**. The Common Council shall (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(5) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.

(6) **Applicant notification**. Within a reasonable time following the Common Council's decision, the administrator shall mail the decision document to the applicant by regular mail.

(7) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

Exhibit 7-1. An example of a rural accessory building

7-214 Basis of decision

In making its decision, the zoning administrator and the Common Council on appeal shall initially determine whether the building meets

at least one of the following criteria:

(1) The building is set apart from other buildings as being distinct, due to its construction technique, construction materials, age, local historic significance, or design.

(2) The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice.

(3) The building is associated with a person of historic significance or with important historical events.

(4) The building represents a notable work of a master builder, designer, or architect who influenced their age.

If the zoning administrator or the Common Council on appeal determines that the building meets one of the above criteria, the following factors shall be considered in making the final decision:

(1) effects of the building on the natural environment,

(2) effects of the building on surrounding properties,

(3) the overall appearance of the building, and

(4) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

No building shall be designated a rural accessory building if it is not structurally sound to meet minimum safety requirements for the proposed use, as determined by the city building inspector, provided that such determination shall not relieve the property owner of any responsibility or liability as to the building and shall not form a basis of liability against the building inspector or any other governmental official or entity.

7-215 Imposition of conditions

The zoning administrator or the Common Council on appeal may impose one or more conditions of approval as may be necessary to grant approval.

7-216 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-217 Content of decision document

(a) **Approval**. If the application for a rural accessory building determination is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the building or buildings,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(7) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction, and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(8) other information the zoning administrator deems appropriate,

(9) the signature of the zoning administrator,

(10) the date of the decision, and

(11) any other information deemed appropriate.

(b) **Denial**. If the application for a rural accessory building determination is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the building or buildings,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator,

(8) the date of the decision, and

(9) any other information deemed appropriate.

7-218 Effect of approval

If a building is classified as a rural accessory building pursuant to this division, such designation shall run with the land and is binding on all subsequent property owners.

7-219 Appeal

An aggrieved person may appeal the zoning administrator's final decision by filing an appeal with the Common Council within 30 calendar days of such decision. Following the final decision of the Common Council, an aggrieved person may appeal such decision by filing an appeal with a court of competent jurisdiction within 30 calendar days of the final decision.

7-220 to 7-230 Reserved

DIVISION 12
CHANGE IN TOPOGRAPHY

Sections

7-231	Generally	7-236	Application form and content
7-232	Initiation	7-237	Content of decision document
7-233	Review procedure	7-238	Effect of decision
7-234	Basis of decision	7-239	Expiration of an approval
7-235	Imposition of conditions	7-240	Appeal

7-231 Generally

A permit is needed to modify the topography of a site that is subject to an approved grading and drainage plan or a site that is not subject to an approved grading and drainage plan involving 50 cubic yards of material or more.[12] Depending on various factors, the permit may be referred to as a minor permit or major permit in this division.

7-232 Initiation

The owner of the subject property may submit an application to modify the topography of a site.

7-233 Review procedure

(a) **Minor permit**. The general steps outlined below shall be used to review an application to modify the topography of a site that is subject to an approved grading and drainage plan or a site that is not subject to an approved grading and drainage plan involving 50 cubic yards of material or more, but less than 500 cubic yards.

[12] Commentary: The capacity of a typical dump truck is about 10 to 12 cubic yards.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 10 calendar days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(b) **Major permit**. The general steps outlined below shall be used to review an application to modify the topography of a site that is not subject to an approved grading and drainage plan and involves 500 cubic yards of material or more.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(3) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(5) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(6) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(7) **Decision**. The Plan Commission shall (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the meeting unless the applicant agrees to an extension of a specified duration.

(8) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(9) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(10) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-234 Basis of decision

The zoning administrator and the Plan Commission in making their decision shall consider the following factors:

(1) effects on existing drainage patterns, including the rate and location of overland flow;

(2) effects on up-gradient and down-gradient properties;

(3) effect on existing wetlands and waterbodies;

(4) effect on existing native vegetation;

(5) the potential of creating manmade wetlands;

(6) the extent to which the cut and/or fill appears to be compatible or incompatible with the topography in the area;

(7) the stability of the proposed slope; and

(8) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-235 Imposition of conditions

(a) **Generally**. In approving a change in topography, the zoning administrator and Plan Commission may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping, screening, preservation of existing vegetation, engineering considerations for excessively steep or unstable slopes, and erosion control.

(b) **Effect on contracts with another party.** The zoning administrator or Plan Commission shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[13]

7-236 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-237 Content of decision document

(a) **Approval**. If the application for a change in topography is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the activity,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(5) other information the Plan Commission or zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Plan Commission, and

(7) the date of the decision.

(b) **Denial**. If the application for a change in topography is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the activity,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission, and

(8) the date of the decision.

[13] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

7-238 Effect of decision

If an application is approved or approved with conditions, such approval runs with the land and is binding on all subsequent property owners.

7-271 Expiration of an approval

An approval to modify the topography of a site shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-239 Amendment of an approval

Following approval of a change in topography, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-240 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

7-241 to 7-250 Reserved

DIVISION 13
SIGN PERMIT

Sections

7-251	Generally	7-255	Basis of decision
7-252	Applicability	7-256	Expiration of an approval
7-253	Initiation	7-257	Appeal
7-254	Review procedure		

7-251 Generally

A sign permit is administrative in nature and is intended to ensure that signs are in compliance with this chapter and any precedent approvals.

7-252 Applicability

A sign permit must be submitted before a new sign is installed or an existing sign is modified in any manner, including a change in location, change in height, expansion of size, addition of lighting, or a change in lighting. A zoning permit is not required when copy on the face of a sign is changed.

7-253 Initiation

The owner of the subject property may submit an application for a sign permit.

7-254 Review procedure

The general steps outlined below shall be used in the review of an application for a sign permit.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 10 calendar days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (i) approve the sign permit, (ii) approve the sign permit with conditions, or (iii) deny the sign permit. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-255 Basis of decision

In determining whether to issue a sign permit or deny the permit, the zoning administrator shall determine whether the proposed signage is consistent with this chapter and other provisions of the municipal code.

7-256 Expiration of an approval

A sign permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

7-257 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

7-258 to 7-270 Reserved

DIVISION 14
ZONING PERMIT

Sections

7-271	Generally	7-275	Basis of decision
7-272	Applicability	7-276	Expiration of an approval
7-273	Initiation	7-277	Appeal
7-274	Review procedure		

7-271 Generally

A zoning permit is administrative in nature and is intended to ensure that certain types of land uses are in compliance with this chapter and any precedent approvals (e.g., conditional use approval).

7-272 Applicability

Those land uses designated as requiring a zoning permit in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division when a new use is being established and when there is a change in occupancy of an existing non-residential building.

7-273 Initiation

The owner of the subject property may submit an application for a zoning permit.

7-274 Review procedure

The general steps outlined below shall be used in the review of an application for a zoning permit.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 10 calendar days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of any deficiencies or make a decision based on the decision criteria contained in this division to (i) approve the zoning permit, (ii) approve the zoning permit with conditions, or (iii) deny the zoning permit. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-275 Basis of decision

In determining whether to issue a zoning permit or deny the permit, the zoning administrator shall determine whether the proposed use is consistent with (i) any prior approvals, such as conditional use approval, (ii) this chapter, and (iii) other provisions of the municipal code.

7-276 Expiration of an approval

(a) **Project involving construction**. For a project involving any construction, a zoning permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Change in use**. For a change in use, the zoning permit shall automatically expire 6 months after the date of issuance if the applicant does not move into the vacant space.

7-277 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

7-278 to 7-290 Reserved

DIVISION 15
RESERVED

7-291 to 7-310 Reserved

DIVISION 16
FLOODPLAIN PERMIT

Sections

7-311	Generally	7-315	Basis of decision
7-312	Applicability	7-316	Application form and content
7-313	Initiation	7-317	Expiration of an approval
7-314	Review procedure	7-318	Appeal

7-311 Generally

A floodplain permit is administrative in nature and is intended to ensure that land uses located in the floodplain overlay district comply with the requirements in Article 9.

7-312 Applicability

A floodplain permit must be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

7-313 Initiation

The owner of the subject property may submit an application for a floodplain permit.

7-314 Review procedure

The general steps outlined below shall be used in the review of an application for a zoning permit.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 10 calendar days of submittal, the zoning administrator shall either determine that the (i) the application is complete, (ii) the application is incomplete and notify the applicant, in writing, of any deficiencies; or (iii) submit a written request to the application describing additional information that is needed to act on the application. If the application is deemed incomplete or if additional information is requested, the zoning administrator shall take no further steps to process the application until the deficiencies are remedied or the information is provided. The incomplete application shall be retained as a public record.

(3) **Decision**. The zoning administrator shall make a decision based on the decision criteria contained in this division to (i) approve the floodplain permit, (ii) approve the floodplain permit with conditions, or (iii) deny the floodplain permit.

(4) **Applicant notification**. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision document to the applicant by regular mail.

(5) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-315 Basis of decision

In determining whether to issue a floodplain permit or deny the permit, the zoning administrator shall determine whether the proposed use is consistent with the standards in Article 9.

7-316 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A. The application at a minimum shall include the following:

(1) name and address of the property owner;

(2) legal description of the subject property;

(3) a description of the proposed project;

(4) the elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(5) data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Division 4 or 6 are met; and

(6) data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 9-142. This may include any of the information noted in s. 9-63.

In addition to the information listed in Appendix A, the following shall be depicted on the site map:

(1) elevation of existing and proposed roads located in the floodplain,

(2) elevation of existing and proposed wellheads located in the floodplain, and

(3) elevation of existing and proposed buildings located in the floodplain.

7-317 Expiration of an approval

(a) **Project involving construction**. For a project involving any construction, a zoning permit shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

(b) **Change in use**. For a change in use, the zoning permit shall automatically expire 6 months after the date of issuance if the applicant does not move into the vacant space.

7-318 Appeal

An aggrieved person may appeal a final decision made pursuant to this division by filing an administrative appeal with the Zoning Board of Appeals within 30 calendar days of the final decision.

7-319 to 7-330 Reserved

DIVISION 17
DETERMINATION OF NAVIGABILITY

Sections

7-331	Generally	7-336	Interpretation content
7-332	Initiation	7-337	Effect of interpretation
7-333	Review procedure	7-338	Compilation of determinations
7-334	Basis of decision	7-339	Appeal
7-335	Repeal or revision of an interpretation		

7-331 Generally

The extent of the shoreland-wetland overlay district is based on the location of the ordinary high-water mark and which streams are determined to be navigable. This division describes the procedures for determining the navigability of a waterbody.

7-332 Initiation

Any person, including the zoning administrator, may submit an application for determining the navigability of a waterbody.

7-333 Review procedure

The general steps outlined below shall be used in the review of an application for a navigability determination.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Decision**. The zoning administrator shall make a written determination based on the decision criteria in this division. Under normal conditions a decision can be made within 60 calendar days of when the petition was submitted. Depending on the time of year when the application was submitted and if field inspections are necessary, this timeframe may be as long as 180 calendar days.

(3) **Applicant notification**. Within a reasonable time following his or her decision, the zoning administrator shall mail the decision document to the applicant by regular mail and provide a copy of the same to

the Plan Commission, the city attorney, and those city employees and agents involved in the administration of this chapter, as appropriate.

(4) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(5) **Amendment of zoning map**. If the determination has the effect of modifying the extent of the shoreland-wetland overlay district as depicted on the current zoning map, the zoning administrator shall initiate the process to amend the zoning map based on such determination.

7-334 Basis of decision

In determining whether a waterbody is navigable, the zoning administrator shall consider the definition of the term and documentary evidence, and field investigations if warranted. The zoning administrator should also review the most current edition of "*Floodplain and shoreland zoning: A guide for local officials*" as published by the Wisconsin Department of Natural Resources, for additional guidance.

7-335 Repeal or revision of an interpretation

The zoning administrator may rescind or modify a determination if such determination is deemed to be incorrect in whole or in part.

7-336 Interpretation content

A determination shall be in writing and contain the following:

(1) the name of the person requesting the determination,

(2) a map showing the area in question,

(3) the factors that were considered in making the determination,

(4) the determination,

(5) other information the zoning administrator deems appropriate,

(6) the signature of the zoning administrator, and

(7) the date of decision.

7-337 Effect of interpretation

A determination once rendered shall have full effect as if set forth in this chapter.

7-338 Compilation of determinations

The zoning administrator shall keep a written record of all determinations in effect and make them available for public inspection.

7-339 Appeal

An aggrieved person may, without time constraint, appeal a determination made pursuant to this division by filing an appeal with the regional office of the Wisconsin Department of Natural Resources. The Department shall have the final authority in this matter. Following the final decision by the Department, an aggrieved person may appeal such decision to a court of competent jurisdiction without time constraint.

7-340 to 7-350 Reserved

DIVISION 18
TERMINATION OF APPROVAL

Sections

7-351	Generally	7-355	Application form and content
7-352	Initiation	7-356	Content of decision document
7-353	Review procedure	7-357	Compliance with requirements of zoning district
7-354	Basis of decision		

7-351 Generally

There are certain situations when the approval for a land use may be terminated. This division describes the procedures for terminating an approved use. The procedures set forth in this Division are optional. Failure to initiate such procedures does not waive any termination by operation of law and the City is not foreclosed from asserting such termination.

7-352 Initiation

(a) **Voluntary termination of a conditional use**. The property owner is authorized to submit an application to terminate a conditional use approval for his or her property.

(b) **Involuntary termination of conditional use approval due to cessation.** The zoning administrator is authorized to submit an application to terminate a conditional use approval when he or she determines the land use authorized by such approval has ceased to operate for more than 12 months.

(c) **Involuntary termination of a conditional use approval due to violation**. The zoning administrator is authorized to submit an application to terminate a conditional use approval when he or she determines that the property owner has violated one or more conditions of approval and action has not been taken to correct the violation.

(d) **Involuntary termination of a specified land use due to cessation**. The zoning administrator is authorized to submit an application to terminate an approved land use when he or she determines that such use is no longer in use for the time period specified for such use.

(e) **Involuntary termination of a nonconforming use**. The zoning administrator is authorize to submit an application to terminate a nonconforming use when he or she determines that such use is having a significant harmful effect on the public health, safety, and welfare or the nonconforming use has ceased to operate for the period of time required by this chapter to retain designation as a nonconforming use.

7-353 Review procedure

(a) **Voluntary termination**. The general steps outlined below shall be used in the review of an application to voluntarily terminate an approval of a land use authorized under this chapter.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(4) **Meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(5) **Decision**. The Common Council shall (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination. The Common Council may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar

days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(6) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a decision document consistent with this division.

(7) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(9) **Administrative steps**. If the application is approved, the zoning administrator shall update any city records to indicate that the use as specified in the application has been terminated.

(b) **Involuntary termination**. The general steps outlined below shall be used in the review of an application to involuntarily terminate an approval of a land use authorized under this chapter.

(1) **Submittal of application materials**. The zoning administrator shall complete an application and other required materials.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Special notice to property owner**. The zoning administrator shall mail a written notice to the property owner by regular and certified mail at least 30 calendar days prior to the date of the public hearing. Such notice shall state (i) the reasons why the zoning administrator has submitted an application to terminate the specified use; (ii) the date and time of the public hearing; (iii) contact information for the zoning administrator, including telephone number; and (iv) other information deemed appropriate by the zoning administrator. If the action is intended to terminate a conditional use for a violation, the notice shall state the alleged violation along with supporting evidence. If the action is intended to terminate an inactive land use, the notice shall state the time period when the land use was not in use along with supporting evidence.

(4) **General public notice**. Consistent with Division 2 of Article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice.

(5) **Public hearing**. Allowing for proper notice, the Plan Commission and Common Council shall conduct a joint public hearing consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant, Plan Commission, or Common Council may request a continuance consistent with Division 3 of Article 6.

(6) **Recommendation**. After considering all of the information submitted by the applicant, public comments received at the public hearing, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.

(7) **Transmittal of recommendation**. If the Plan Commission action is favorable (i.e., to terminate), the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission action is not favorable (i.e., to not terminate), the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(8) **Staff follow-up**. If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator, city engineer, and/or the city attorney to submit a follow-up report to the commission and/or direct the zoning administrator to prepare such documents it deems necessary, including a preliminary decision document.

(9) **Decision**. After considering all of the information submitted by the applicant, public comments received at the public hearing, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the termination, (ii) approve the termination with conditions, or (iii) deny the termination.

(10) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division.

(11) **Applicant notification**. Within a reasonable time following the Common Council's decision, the zoning administrator shall mail the decision document by regular mail to the property owner.

(12) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(13) **Administrative steps**. If the application is approved, the zoning administrator shall update any city records to indicate that the use as specified in the application has been terminated.

7-354 Basis of decision

The Plan Commission in making its recommendation and the Common Council in making its decision shall consider the following factors:

(1) the nature of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located;

(2) effects of the existing use on surrounding properties, including detriment to the full and complete use of such properties and potential for concerns related to possible nuisances;

(3) effects of the existing use on the normal and orderly development and improvement of the surrounding property for those uses permitted in the zoning district in which they are located; and

(4) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-355 Application form and content

The application submittal shall include an application form as may be used by the City. The application form shall request the following information:

(1) the subject property location;

(2) a description of the original approval, including conditions of approval, if any;

(3) verification that the property owner is voluntarily seeking termination of a conditional use approval or evidence supporting the assertion that the use may be involuntarily terminated consistent with this division;

(4) a description of those buildings or other structures, if any, on the subject property that relate to the use and the extent to which they are or are not otherwise permitted in the district in which the subject property is located; and

(5) other information deemed necessary.

7-356 Content of decision document

(a) **Approval**. If the application to terminate an approval is approved, the decision document shall include the following:

(1) a statement that the specified use is terminated,

(2) a description of the land use being terminated,

(3) reasons for the decision based on the criteria listed in this division,

(4) requirements for the removal of any building or other structure, if any, on the subject property that are related to the terminated use and that are not otherwise permitted in the zoning district in which the subject property is located,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Common Council or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Common Council, and

(8) the date of the decision.

(b) **Denial**. If the application to terminate an approval is denied, the decision document shall include the following:

(1) a statement that the specified use continues to be an approved use,

(2) a description of the land use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the decision may be appealed as provided for in this division,

(5) other information the Common Council or zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Common Council, and

(7) the date of the decision.

7-357 Compliance with requirements of zoning district

If the Common Council terminates an approval under this division, the property owner shall bring the subject property into conformity with the permitted use regulations of the zoning district in which the property is located. The Common Council shall establish a timeframe it determines appropriate to bring the property into compliance. In making such determination, the Common Council should consider the type of actions the property owner will need to take to bring the property into compliance and weather conditions. In no event, shall the compliance period be less than 30 calendar days or more than 9 months.

7-358 to 7-370 Reserved

DIVISION 19
REGISTRATION OF A NONCONFORMING USE

Sections

7-371	Generally	7-375	Application form and content
7-372	Initiation	7-376	Content of decision document
7-373	Review procedure	7-377	Effect of decision
7-374	Basis of decision		

7-371 Generally

There may be now or in the future certain uses of land that are not in compliance with this chapter, but which were legally established. These uses are referred to as "nonconforming uses," and consistent with the provisions of Article 21 are allowed to continue to operate within certain parameters. For this reason, it is necessary to document those uses that are considered nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (i) when the use was first established; (ii) that the use at the time of establishment was done consistent with the rules and regulations in effect at the time, if any; (iii) that it has continued continuously, without cessation of more than 12 continuous months; and (iv) the nature of the use. Failure to register a nonconforming use does not result in prohibition of the use, but in any future situation where the owner asserts the use is a nonconforming use, the property owner shall have the burden of so proving.

7-372 Initiation

Any of the following may submit an application to determine whether a use should be registered as a nonconforming use:

(1) a person having a financial interest in the property or in the use occurring on the property;

(2) the zoning administrator;

(3) the Plan Commission, or any member thereof;

(4) the Mayor; or

(5) the Common Council, or any member thereof.

7-373 Review procedure

The general steps outlined below shall be used to determine if an existing use should be registered as a nonconforming use.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(3) **Special notice to property owner**. If the application process is not initiated by the property owner, the zoning administrator shall mail a written notice to the property owner by regular and certified mail at least 60 calendar days prior to the date of the Plan Commission meeting. Such notice shall invite the property owner to submit evidence relating to the pending determination. In addition, the notice shall state (i) the reasons why the application has been submitted; (ii) the date and time of the meeting; (iii) contact information for the zoning administrator, including telephone number; and (iv) other information deemed appropriate by the zoning administrator.

(4) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(5) **Decision**. The Plan Commission shall determine whether it has sufficient evidence to make a decision, and if so whether the use should or should not be classified as a nonconforming use. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(6) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.

(7) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the administrator shall mail the decision document to the property owner by regular mail.

(8) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(9) **Inclusion in registry**. If the use is determined to be a nonconforming use, the zoning administrator shall include the nonconforming use in the registry authorized in Article 21.

7-374 Basis of decision

In making its decision, the Plan Commission shall determine whether there is sufficient evidence to show that (i) the use in question was legally established; (ii) such use does not now comply with one or more of the requirements of this chapter; and (iii) such use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months.

7-375 Application form and content

The application submittal shall include an application form as may be used by the City and scaled drawing of the property and the location of the land use on the property. At a minimum, the application shall request the following information:

(1) the date, or approximate date, the use was first established or believed to be first established;

(2) evidence showing that the use at the time of establishment was legally established;

(3) the date, or approximate date, when the use became nonconforming;

(4) the section of the zoning regulation causing the use to be nonconforming;

(5) evidence showing that the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months; and

(6) the nature of the use and location on the property.

Sources of such information may be derived from any of the following:

(1) written document (e.g., business license, meeting minutes, reports, planning documents, or a permit or other authorization) maintained by a local, state, or federal governmental body;

(2) a newspaper article;

(3) a dated photograph;

(4) an aerial photograph;

(5) a sworn affidavit supplied by the applicant or any other person; and

(6) any other authoritative source as approved by the zoning administrator.

7-376 Content of decision document

(a) **Approval**. If the application for registering a nonconforming use is approved, the decision document shall include the following:

(1) a statement that the use is a legal nonconforming use as of the date of such determination,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the applicant may appeal the decision,

(5) other information the zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Plan Commission, and

(7) the date of the decision.

(b) **Denial**. If the application for registering a nonconforming use is denied, the decision document shall include the following:

(1) a statement that the use cannot be classified as a legal nonconforming use,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision to the Zoning Board of Appeals,

(6) other information the zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission, and

(8) the date of the decision.

7-377 Effect of decision

(a) **Generally**. If the Plan Commission determines that a land use meets the criteria for a nonconforming use, such decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use as of the date of such determination.

(b) **Expansion not authorized**. If a use was legally established and has been operated without interruption, but has been illegally expanded over time (i.e., area, extent, mode of operation, or other parameter) such expansion shall be removed in keeping with a timeline established by the Common Council.

7-378 to 7-390 Reserved

DIVISION 20
RESERVED

7-391 to 7-410 Reserved

DIVISION 21
CONVERSION OF A NONCONFORMING USE

Sections

7-411	Generally	7-417	Staff report content
7-412	Initiation	7-418	Content of conversion order
7-413	Review procedure	7-419	Content of decision document
7-414	Basis of decision	7-420	Effect of approval
7-415	Imposition of conditions	7-421	Expiration of an approval
7-416	Application form and content	7-422	Amendment of an approval

7-411 Generally

Upon written petition, the Common Council may, on a case-by-case basis, allow the conversion of a nonconforming use to another nonconforming use.

7-412 Initiation

The owner of the subject property may submit an application for a conversion of a nonconforming use, but only when the nonconforming use has been registered as a nonconforming use pursuant to this article.

7-413 Review procedure

The general steps outlined below shall be used in the review of an application for a conversion of a nonconforming use.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (i) applicable regulations and procedures, (ii) applicable sections of the City's comprehensive plan, and (iii) the proposal. Upon request, the zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary given the nature of the project and/or the extent to which the applicant understands the City's zoning requirements.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(3) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and Common Council, the applicant, and any other interested person upon request.

(5) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall provide for a class 2 public notice, property owner notice, and meeting agenda notice

(6) **Public hearing**. Allowing for proper notice, the Plan Commission and the Common Council shall conduct a joint public hearing to review the application consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant, the Plan Commission, or the Common Council may request a continuance consistent with Division 3 of Article 6.

(7) **Recommendation**. After considering all of the information submitted by the applicant, public comments received at the public hearing, and the staff report, the Plan Commission, no more than 40 calendar days after the public hearing, shall make a recommendation to the Common Council based on the decision criteria contained in this division to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion.

(8) **Transmittal of recommendation**. If the Plan Commission action is favorable, the zoning administrator shall prepare a draft decision document effectuating its determination. If the Plan Commission action is not favorable, the Plan Commission shall report its determination to the Common Council including its reasons for denial.

(9) **Staff follow-up**. If the Plan Commission does not render a decision immediately following the public hearing, the Plan Commission may direct the zoning administrator, city engineer, and/or the city attorney to submit a follow-up report to the commission and/or direct the zoning administrator to prepare such documents it deems necessary, including a preliminary decision document.

(10) **General notice**. Consistent with division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Common Council.

(11) **Common Council meeting**. Allowing for proper notice, the Common Council shall consider the application at a regular or special meeting.

(12) **Decision**. After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Plan Commission's recommendation, the Common Council shall make a decision based on the decision criteria contained in this division to (i) approve the conversion, (ii) approve the conversion with conditions, or (iii) deny the conversion.

(13) **Preparation of decision document**. Based on the action of the Common Council, the zoning administrator shall prepare a final decision document consistent with this division, and a conversion order if approved.

(14) **Applicant notification.** If the application is denied, the zoning administrator shall, within a reasonable time following the Common Council's decision, mail the decision document to the applicant by regular mail.

(15) **Acceptance by property owner**. If the application is approved, the property owner shall sign the approved conversion order to acknowledge the terms of the approval and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The conversion order shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(16) **Recordation**. If the property owner signs the approved conversion order, the zoning administrator shall record the conversion order in the office of the Bayfield County register of deeds.

7-414 Basis of decision

The Plan Commission in making its recommendation and the Common Council in making its decision shall compare the known and anticipated impacts of the existing nonconforming use on properties in the area and those of the proposed nonconforming use. The Common Council shall not approve a conversion when the new nonconforming use would be more of a nonconformity than the existing nonconforming use.

7-415 Imposition of conditions

(a) **Generally**. In approving a conversion, the Plan Commission may recommend and the Common Council may impose one or more conditions deemed necessary to further the intent and purposes of this chapter. Such conditions, for example, may relate to landscaping and screening, outdoor lighting, and hours of operation.

(b) **Effect on contracts with another party.** The Common Council shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[14]

7-416 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-417 Staff report content

The staff report shall contain the following:

(1) a description of the requested conversion;

(2) preliminary findings for the decision criteria listed in this division;

(3) a recommendation to approve the application, approve the application with conditions, or deny the application;

(4) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

(5) other information deemed necessary.

7-418 Content of decision document

(a) **Approval**. If the application for a conversion is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a statement indicating that the property owner must sign the conversion order and return it to the zoning administrator,

(3) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(4) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(5) other information the Common Council or zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Common Council,

(7) the date of the decision, and

(8) the copy of the conversion order described in s. 7-419.

(b) **Denial**. If the application for a conversion is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the proposed conversion,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Common Council or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Common Council, and

(8) the date of the decision.

[14] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

7-419 Content of conversion order

If the conversion is approved, a conversion order shall be prepared and adopted that contains (i) a description of the subject property's location (e.g., address, tax key number, reference to a parcel in a certified survey map or subdivision plat); (ii) a description of the existing and of the new nonconforming use; (iii) conditions of approval, if any; and (iv) other provisions deemed necessary given the nature of the approval.

7-420 Effect of approval

If the Common Council approves the conversion, such approval shall run with the land and is binding on all subsequent property owners.

7-421 Expiration of an approval

If the zoning administrator determines that substantial work as authorized by a conversion approval did not commence within 12 months of the date of approval or if substantial work did commence within 12 months of the date of approval but has not continued in good faith to completion, he or she shall initiate the process to terminate the approval pursuant to Division 18 of this article. Upon written petition and with cause, the zoning administrator may grant a one-time extension not to exceed 6 months.

7-422 Amendment of an approval

Following approval of a conversion, the Plan Commission shall review all proposed changes to the approval. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change in writing at a regular or special meeting of the Plan Commission without following the review procedure in this division. If the proposed change constitutes a major alteration, the review procedure in effect at the time of submittal shall be followed.

7-423 to 7-430 Reserved

DIVISION 22
EXPANSION OF A NONCONFORMING BUILDING

Sections

7-431	Generally	7-436	Application form and content
7-432	Initiation	7-437	Content of decision document
7-433	Review procedure	7-438	Effect of decision
7-434	Basis of decision	7-439	Expiration of an approval
7-435	Imposition of conditions		

7-431 Generally

A nonconforming building with a conforming use may be expanded in compliance with all requirements of the zoning code and with the procedures and requirements of this division.

7-432 Initiation

The owner of the subject property may submit an application to expand a nonconforming building with a conforming use.

7-433 Review procedure

The general steps outlined below shall be used in the review of an application to expand a nonconforming building.

(1) **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposal.

(2) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(3) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either place the matter on the agenda for the meeting at which the matter will be considered allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(4) **Staff report preparation and distribution**. The zoning administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission and the applicant prior to the meeting at which the matter will be considered. The zoning administrator shall also provide a copy to interested people upon request.

(5) **General notice**. Consistent with Division 2 of Article 6, the zoning administrator shall place the matter on the meeting agenda of the Plan Commission.

(6) **Meeting**. Allowing for proper notice, the Plan Commission shall consider the application at a regular or special meeting.

(7) **Decision**. The Plan Commission shall (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The Plan Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the public hearing unless the applicant agrees to an extension of a specified duration.

(8) **Preparation of decision document**. Based on the action of the Plan Commission, the zoning administrator shall prepare a decision document consistent with this division.

(9) **Applicant notification**. Within a reasonable time following the Plan Commission's decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(10) **Acceptance by property owner**. If the application is approved, the property owner shall sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(11) **Recording of decision document**. The decision document shall be recorded in the Bayfield County register of deeds office when approval is granted.

(12) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-434 Basis of decision

The Plan Commission in making its decision shall consider the following factors:

(1) the degree of the existing nonconformity (i.e., 1 foot into the setback or 1 foot from the property boundary line),

(2) the size and configuration of the lot,

(3) whether the lot conforms to the dimensional standards of the zoning district in which it is located,

(4) the size and location of the existing nonconforming building,

(5) the size and location of other existing structures and those structures reasonably anticipated on the lot,

(6) the impact, if any, that the expansion may have on adjoining properties,

(7) whether the proposed expansion would violate the intent of this chapter, and

(8) any other factor that relates to the purposes of this chapter set forth in s. 1-5 or as allowed by state law.

7-435 Imposition of conditions

(a) **Generally**. In approving an expansion of a nonconforming building, the Plan Commission may impose one or more conditions of approval deemed necessary to further the intent and purposes of this chapter. Such

conditions, for example, may relate to landscaping, screening, and the maximum size of the building(s), limitations on additional buildings otherwise allowed on the subject property under the applicable zoning district regulations.

(b) **Effect on contracts with another party.** The Plan Commission shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.[15]

7-436 Application form and content

The application submittal shall include an application form as may be used by the City and a site plan prepared at a scale of 1" = 20' or other appropriate scale depicting the information listed in Appendix A.

7-437 Content of decision document

(a) **Approval**. If the application for an expansion of a nonconforming building is approved, the decision document shall include the following:

(1) a statement that the application is approved,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(5) other information the Plan Commission or zoning administrator deems appropriate,

(6) the signature of the zoning administrator on behalf of the Plan Commission, and

(7) the date of the decision.

(b) **Denial**. If the application for expansion of a nonconforming building is denied, the decision document shall include the following:

(1) a statement that the application is denied,

(2) a description of the use,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,

(5) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(6) other information the Plan Commission or zoning administrator deems appropriate,

(7) the signature of the zoning administrator on behalf of the Plan Commission, and

(8) the date of the decision.

7-438 Effect of decision

If the Plan Commission approves the expansion of a nonconforming building, the approval runs with the land and is binding on all subsequent property owners.

7-439 Expiration of an approval

An approval to expand a nonconforming building shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project complies with this chapter in effect at the time the extension is granted.

[15] Commentary: See s. 62.23(7)(gm), Wis. Stats. The City, for example, could not require an applicant to terminate an existing contract with another party that is engaged in a lawful use of the property.

7-440 to 7-450

DIVISION 23
ADMINISTRATIVE APPEAL

Sections

7-451	Generally	7-454	Basis of decision
7-452	Initiation	7-455	Effect of appeal
7-453	Review procedure		

7-451 Generally

Recognizing that there may be situations where a property owner or another party believes that the zoning administrator made an error in administering a zoning code, the state legislature established a mechanism to allow the Zoning Board of Appeals to review alleged administrative errors. This division describes the requirements and procedures for reviewing an alleged administrative error.

7-452 Initiation

Any person aggrieved by a final decision of the zoning administrator may file an appeal with the Zoning Board of Appeals consistent with this division.

7-453 Review procedure

The general steps outlined below shall be used in the review of an administrative appeal.

(1) **Submittal of appeal**. The applicant shall submit a written appeal to the City Clerk within 30 calendar days of the date of the administrative decision being appealed, unless a different timeframe is established.

(2) **Notification of appeal**. The City Clerk shall provide a duplicate copy of the appeal to the Zoning Board of Appeals and the zoning administrator.

(3) **Compilation and submittal of record**. The zoning administrator shall compile a complete and accurate record relating to the action being appealed and transmit it to the Zoning Board of Appeals in a timely manner.

(4) **Special notice to Department of Natural Resources**. If the administrative appeal relates to a decision relating to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator shall mail a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.

(5) **Special notice to parties in interest**. The chairperson of the Zoning Board of Appeals shall give notice for the public hearing to the parties in interest, including the applicant and the zoning administrator.

(6) **General notice.** The chairperson of the Zoning Board of Appeals shall provide a class 2 public notice and meeting agenda notice consistent with Division 2 of Article 6.

(7) **Public hearing**. Allowing for proper notice, the Zoning Board of Appeals shall conduct a public hearing consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the Zoning Board of Appeals may request a continuance consistent with Division 3 of Article 6.

(8) **Decision**. After the public hearing has been closed, the Zoning Board of Appeals shall make a decision to affirm the zoning administrator's decision, set aside the decision, or modify the decision. The Zoning Board of Appeals may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

(9) **Notification of decision**. Within a reasonable time following the Zoning Board of Appeals' decision, the clerk shall mail the decision document to the applicant by regular mail and provide a duplicate copy of the same to the zoning administrator and the Plan Commission.

(10) **Notification to Department of Natural Resources**. If the administrative appeal relates to a decision relating to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning

administrator shall mail a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources.

(11) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

7-454 Basis of decision

(a) **Generally**. The Zoning Board of Appeals shall determine if the zoning administrator made an error in judgment as applied to the instance being appealed.

(b) **Historic property**. In an action involves a historic property, as defined in s. 44.31(3), Wis. Stats., the Zoning Board of Appeals shall consider any suggested alternatives or recommendations submitted by the landmarks commission, if one has been established, or the Plan Commission.

7-455 Effect of appeal

An appeal shall stay all legal proceedings in furtherance of the action from which the appeal is made, unless the zoning administrator certifies in writing to the Zoning Board of Appeals that a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of competent jurisdiction, with notice to the zoning administrator from whom appeal is made.

7-456 to 7-470 Reserved

DIVISION 24
VARIANCE

Sections

7-471	Generally	7-478	Staff report content
7-472	Initiation	7-479	Content of decision document
7-473	Review procedure	7-480	Effect of approval
7-474	Basis of decision	7-481	Effect of denial
7-475	Limitations on issuing a variance	7-482	Expiration of an approval
7-476	Imposition of conditions		
7-477	Application form and content		

7-471 Generally

Recognizing that there may be situations where a zoning regulation that if enforced would cause unnecessary hardship to individual landowners, the state legislature established a mechanism to allow a municipality to issue a variance in those instances where a minor deviation would be appropriate to alleviate such hardship without circumventing or undermining the intent of the municipality's zoning regulations. This division describes the requirements and procedures for reviewing variance applications.

7-472 Initiation

The owner of the subject property may submit an application for a variance.

7-473 Review procedure

The general steps outlined below shall be used in the review of a variance application.

(1) **Submittal of application materials**. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by the Common Council.

(2) **Staff review**. Within 30 calendar days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Zoning Board of Appeals allowing for proper public notice or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months to resubmit the application or forfeit the

application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

(3) **Special notice to Department of Natural Resources**. If the application relates to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator shall mail a copy of the application and public hearing notice to the regional office of the Wisconsin Department of Natural Resources at least 10 calendar days before the date of the public hearing.

(4) **General notice.** Consistent with Division 2 of Article 6, the zoning administrator shall provide for class 2 public notice, property owner notification, and meeting agenda notice.

(5) **Staff report preparation and distribution.** The zoning administrator shall prepare a written staff report as described in this division and provide a copy to each member of the Zoning Board of Appeals and the applicant. The zoning administrator shall also provide a copy to interested people upon request.

(6) **Public hearing**. Allowing for proper notice, the Zoning Board of Appeals shall hold a public hearing consistent with Division 3 of Article 6. Prior to the close of the public hearing, the applicant or the board may request a continuance consistent with Division 3 of Article 6.

(7) **Decision**. After the public hearing has been closed, the Zoning Board of Appeals after considering the comments and the staff report shall make a decision based on the decision criteria contained in this division to (i) approve the variance, (ii) approve the variance with conditions, or (iii) deny the variance. The Zoning Board of Appeals may render its decision at the same meeting the public hearing is conducted or at a subsequent meeting, but no later than 40 calendar days after the public hearing unless the applicant agrees to an extension of a specified duration.

(8) **Preparation of decision document**. Based on the action of the Zoning Board of Appeals, the zoning administrator shall prepare a decision document consistent with this division.

(9) **Applicant notification**. Within a reasonable time following the Zoning Board of Appeals' decision, the zoning administrator shall mail the decision document to the applicant by regular mail.

(10) **Notification to Department of Natural Resources**. If the application relates to the floodplain regulations or shoreland-wetland regulations in this chapter, the zoning administrator shall mail a copy of the decision document to the regional office of the Wisconsin Department of Natural Resources.

(11) **Acceptance by property owner**. If the Zoning Board of Appeals grants the variance with one or more conditions of approval, the property owner shall sign the decision document to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator within 6 months of the decision. Prior to the expiration of the previously specified time period, the property owner may submit a petition to the City Clerk requesting an extension and the Common Council may, with cause, extend the period within which the decision document must be signed. If the signed decision document is not returned within the initial or extended time period, if any, the decision shall become null and void without any further action by the City. The decision document shall only become effective when all required signatures have been obtained and the original signature copy is returned to the zoning administrator.

(12) **Public record copy**. A duplicate copy of the decision document shall be retained as a public record.

(13) **Additional procedural steps**. If the Zoning Board of Appeals grants the variance, the applicant shall then follow other review procedures as may be required.

7-474 Basis of decision

(a) **General standards**. When making its decision, the Zoning Board of Appeals shall consider each of the following standards:

(1) For an area variance, the requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome. For a use variance, the requirement in question would prevent all reasonable use of the property.

(2) The circumstances calling for the variance were not self-created by the current property owner or any prior owner.

(3) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.

(4) The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

The Zoning Board of Appeals shall grant a variance only if the board can make an affirmative finding for all of the criteria listed above.

(b) **FEMA floodplain regulations**. If the requested variance relates to floodplain regulations in this chapter as required by the Federal Emergency Management Agency, the following criteria shall also apply:

(1) The variance shall not cause any increase in the regional flood elevation;

(2) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the regional flood elevation; and

(3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the ordinance.

7-475 Limitations on issuing a variance

The following actions shall not be allowed by a variance:

(1) expansion of a nonconforming use (e.g., expansion of area, increase in operational characteristics, etc.), or

(2) modification to lot size requirements so as to increase the permitted density or intensity of use.

7-476 Imposition of conditions

In approving a variance, the Zoning Board of Appeals may impose such conditions and restrictions as may be necessary to grant approval.

7-477 Application form and content

The application submittal shall include an application form as may be used by the City and a project map prepared at an appropriate scale depicting the information listed in Appendix A.

7-478 Staff report content

The staff report shall contain the following:

(1) preliminary findings for the decision criteria listed in this division;

(2) a recommendation to approve the application, approve the application with conditions, or deny the application;

(3) a preliminary list of conditions whether the staff recommendation is for approval or denial; and

(4) other information deemed necessary.

7-479 Content of decision document

(a) **Approval**. If an application for a variance is approved, the decision document shall include the following:

(1) a statement that the variance is approved,

(2) a description of the variance,

(3) reasons for the decision based on the criteria listed in this division,

(4) conditions of approval, if any,

(5) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision document and return it to the zoning administrator to acknowledge acceptance of the same,

(6) a statement that the approval will automatically expire 12 months after the date of approval unless substantial work as authorized by the approval has commenced and continues in good faith to

completion and that the Zoning Board of Appeals may, with cause, grant a one-time extension not to exceed 6 months,

(7) a statement that the applicant may appeal the decision to a court of competent jurisdiction,

(8) a statement that an aggrieved person, other than the applicant, may appeal the decision and that any work done by the applicant as authorized by the approval is done at the applicant's risk,

(9) other information the Zoning Board of Appeals or zoning administrator deems appropriate,

(10) the signature of the chairperson of the Zoning Board of Appeals, and

(11) the date of the decision.

(b) **Denial**. If the application for a variance is denied, the decision shall include the following:

(1) a statement that the variance request is denied,

(2) a description of the proposed variance,

(3) reasons for the decision based on the criteria listed in this division,

(4) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration provided there is a substantial change in the circumstances relating to the application,

(5) a statement that the decision may be appealed as provided for in this division,

(6) other information the Zoning Board of Appeals or zoning administrator deems appropriate,

(7) the signature of the chairperson of the Zoning Board of Appeals, and

(8) the date of the decision.

7-480 Effect of approval

(a) **Generally**. An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed. The variance runs with the land.

(b) **Creation of nonconformity**. If a variance is granted and creates a nonconforming situation, the premises is subject to all applicable provisions relating to nonconformities set forth in Article 21.

7-481 Effect of denial

If the Zoning Board of Appeals denies a variance application, the board may not rehear the same, or essentially the same, application unless there has been substantial change in the circumstances relating to the application.[16]

7-482 Expiration of an approval

A variance approval shall automatically expire 12 months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. Upon petition and with cause, the zoning administrator may grant a one-time extension not to exceed 12 months provided (i) the permit holder requests the extension prior to the expiration of the permit, (ii) the permit holder clearly demonstrates that circumstances beyond his or her control prevented the start of construction and the continuation of the same, and (iii) the project otherwise complies with this chapter in effect at the time the extension is granted.

[16] Commentary: See *Tateoka* v *City of Waukesha Bd. of Zoning Appeals*, 220 Wis.2d 656, 583 N.W. 2d 871 (Ct. App. 1998).

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 8
LAND USE

Divisions

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DIVISION 1
GENERAL PROVISIONS

Sections

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8-2	Purpose	
8-3	Reasonable accommodations	

8-1 Legislative findings

The Common Council makes the following legislative findings:

(1) The use of land in the City has a direct bearing on the public health, safety, and welfare.

(2) Standards are needed to ensure that new development is done in a coordinated manner.

(3) The provisions contained in this article are adopted consistent with state statutes.

(4) Each parcel of land in the City is intended to have a zoning designation.

(5) In some instances, state and federal law limit the City's ability to regulate certain land uses.

8-2 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(1) promote a sound development pattern by dividing the city into various districts where each has uniformly applicable development standards;

(2) separate incompatible land uses to the greatest extent possible;

(3) encourage the most appropriate use of land;

(4) regulate and restrict the erection, construction, reconstruction, alteration, repair, and use of buildings, structures, and land;

(5) provide for a variety of housing options;

(6) allow different, but compatible land uses (i.e., mixed uses), to occur in specified areas of the City;

(7) avoid, or, as a less preferred alternate, minimize congestion; and

(8) avoid, or, as a less preferred alternate, minimize environmental degradation.

8-3 Reasonable accommodations

(a) **Legislative findings**. The Common Council makes the following legislative findings relating to reasonable accommodations for persons with disabilities:

(1) The federal government has adopted laws with respect to various rights afforded persons with disabilities.

(2) Some of these laws, most notably the Fair Housing Act and the Americans with Disabilities Act, affect how local zoning rules and regulations are administered by municipalities.

(3) Under the Fair Housing Act, reasonable accommodations must be made with respect to local zoning laws so that a person with a disability has an equal opportunity to use and enjoy a dwelling unit.

(4) Under Title II of the Americans with Disabilities Act, reasonable accommodations must be made with respect to local zoning laws to avoid discrimination as provided in the act.

(5) If a local municipality can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity (in this instance zoning requirements) it is not required to grant the modification.

(6) Requests for wheelchair ramps in setback and offset areas as authorized in this section do not fundamentally alter the nature of this zoning code.

(7) Requests for all other types of reasonable accommodations will be reviewed individually to determine if the requested accommodation fundamentally alters the nature of this zoning code.

(b) **Wheelchair ramps in setback and offset areas**. The building inspector is authorized to approve the construction of wheelchair access ramps in setback areas pursuant to s. 8-66.

(c) **Other reasonable accommodations**. All other requests for reasonable accommodations under the above-mentioned federal laws shall be accomplished through the variance process described in Article 7.

(d) **General requirements**. If a person's disability is not obvious or otherwise known, the reviewing authority may request information that (1) is necessary to verify that the person meets the federal government's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.

(e) **Confidentiality of applicant information**. In reviewing petitions for reasonable accommodations, the reviewing authority will attempt to balance the privacy rights and reasonable request of an applicant for confidentiality, with normal procedural requirements relating to public notice, public hearings, written decision documents that may include findings of fact and conclusions of law, and maintaining adequate records. Any document identifying the disability or medical condition of any specific person shall be treated as confidential and shall not be subject to disclosure by the City for any reason, including Wisconsin's Open Records law, unless ordered to do so by a court of competent jurisdiction and notice is given to the person who provided the document to the City. Specifically, any medical records regardless of source, including statements of medical providers, shall not be subject to disclosure. For any other type of document, such as an application or determination, the document may be subject to disclosure, but only after the nature or description of the person's disability or medical condition has been redacted by the city attorney. A statement regarding the City's handling of information subject to this provision should be included in the decision document.

(f) **Nature of approval**. Any accommodation approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.

(g) **Imposition of conditions**. The reviewing authority may impose conditions of approval deemed necessary to uphold the overall intent of this chapter. Typical conditions of approval include, but are not limited to, the following:

(1) periodic inspection of the property to verify compliance with this section and any conditions of approval;

(2) removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;

(3) time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;

(4) recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;

(5) measures to reduce the impact on surrounding properties and uses;

(6) measures in consideration of the physical attributes of the property and structures; and

(7) other conditions necessary to protect the public health, safety, and welfare.

8-4 to 8-20 Reserved

DIVISION 2
ZONING DISTRICTS AND ZONING MAP

Sections

8-21	Generally	8-24	Necessity of zoning district designation
8-22	Establishment and purpose of zoning districts	8-25	Effect of boundary line relocation on zoning designation
8-23	Relationship between base and overlay zoning districts	8-26	Zoning map

8-21 Generally

The City is divided into a number of base zoning districts so that each parcel of land is located in at least one district and potentially more than one district. For each of these districts, appropriate types of land uses are identified along with development standards when applicable.

8-22 Establishment and purpose of zoning districts

(a) **Base zoning districts**. Recognizing that different areas of the City serve unique functions, the City is divided into a number of zoning districts. Even though some of the districts may share similar characteristics, they possess one or more unique qualities that set them apart from the other districts. Although these districts may not now possess each of the attributes in these descriptions, it is intended that as land uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this article and development limitations as described in s. 8-121. The zoning districts are as follows:

Residential Districts

(1) **Rural Residential (R-1) district**. This district is intended to accommodate single-family dwellings at densities not exceeding 0.5 dwelling units per acre, limited agricultural uses, and other compatible land uses. Properties in this district are generally served by individual wells and septic systems. Development requirements are intended to protect sensitive environmental resources found in the district including surface water, riparian corridors, forest cover, and wildlife habitat.

(2) **Suburban Residential (R-2) district**. This district is intended to accommodate single-family dwellings and duplex units on lots greater than 5,000 square feet along with compatible uses. Although some properties in this district are served by individual wells and septic systems, most are connected to the City's water and sewer system.

(3) **Mixed Residential (R-6) district**. This district is intended to accommodate single-family dwellings and duplex units on lots greater than 5,000 square feet along with other compatible uses. Multi-family units are allowed through the conditional use process. All properties in this district are to be served by the City's water and sewer system.

(4) **Waterfront Residential (R-7) district**. This district includes lots near or abutting Lake Superior and is intended to accommodate resorts, single-family homes, duplexes and twin homes, and multi-family projects. Because public sanitary sewer is not currently available throughout the entire area, extensions will be needed to accommodate higher density projects. As a general rule, new multi-family projects will not exceed 5 dwelling units per acre. The City may on a case-by-case basis consider higher densities

when the developer presents an exceptional project that exceeds minimum requirements for protecting natural resources. New lots that are not served by public sanitary sewer will have a minimum lot size of 1.5 acres.

Commercial Districts

(5) **Cottage Commercial (C-1) district**. This district is primarily intended to accommodate small-scale commercial businesses (5,000 square feet or less) intermixed with residential uses, including single-family residential, two-family residential, and multi-family residential. Development standards are designed to ensure that commercial uses are compatible in appearance and character with the surrounding residential uses.

(6) **General Commercial (C-2) district**. This district is intended to accommodate a wide range of large- and small-scale commercial development including both pedestrian- and auto-oriented land uses, including intermixed higher density residential uses. Although there are requirements for providing green space within new development projects, the overall standards in this district are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development.

(7) **Downtown Commercial (C-3) district**. This district is primarily intended to accommodate and create a high level of employment and business activity consisting of large- and small-scale use. This district hosts businesses that support the needs of tourists and also the needs of City residents. Retail operations and specialty stores are common along with indoor attractions. Although professional services are allowed, they are less common. Sidewalk cafes are common during the warmer months of the year. There is a balanced mix of one and two-story buildings. The wide range of permissible use and development standards are intended to provide significant incentives for infill development, redevelopment, and the continued economic viability of existing development. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Residential uses can occur in this district primarily on the upper levels of buildings. Parking is available on the street and in nearby public parking lots and garages. Given the intensity of development in this district, there are no on-site landscaping requirements, except in parking lots fronting on Bayfield Street. This district is strictly limited to the central city locations.

Mixed-Use Districts

(8) **Mixed-use Waterfront (MUW) district**. This district is intended to accommodate a mix of commercial, residential, and public recreational uses in a master planned setting. This district is intended to be an attractive, pedestrian-oriented area where people can live, work, and play. New buildings in this area will have a residential appearance consistent with the vernacular architecture of Washburn. Typical uses retail shops, galleries, studios, professional offices, and residential uses generally on upper floors.

Special Purpose Districts

(9) **Lakefront (L-1) district**. This district is intended to include those properties in public ownership on or near Lake Superior.

(10) **Marina (M) district**. This district is intended to accommodate those uses normally found in a public marina including maintenance facilities, indoor and outdoor boat storage, and related support services. The establishment of new areas with this zoning classification is not anticipated, except for an area of the coal dock.

Industrial Districts

(11) **Industrial (I-1) district.** This district is intended to accommodate warehousing, a range of sales and service establishments, and manufacturing.

(b) **Planned Development District (PDD)**. Planned development districts are a special type of zoning district and are initially proposed by a developer to account for a desired mix of uses that are permitted in one or more of the zoning district. Each district is unique and therefore has its own set of development standards that are documented in the general development plan, and associated development agreement, if any. PDD districts are to be numbered sequentially (i.e., PDD-1, PDD-2, etc.)

(c) **Overlay zoning district**. In addition to the base zoning districts and planned development districts described in this section, the following overlay zoning districts are established to account for unique conditions or requirements:

(1) **Floodplain overlay district**. This district includes those lands within the 100-year floodplain as described by the Federal Emergency Management Agency in Flood Insurance Study 55007CV000A and depicted in flood insurance rate maps numbered: 5500190435, 5500190441, 5500190442, 5500190453, and 5500190461.

(2) **Shoreland-wetland overlay district**. This district includes specified wetlands within the shoreland area as more fully described in s. 11-3. Provisions are intended to accomplish the purposes set forth in Article 11.

(3) **Wellhead protection overlay district**. This district includes those lands within 1,200 feet of a public wellhead. Provisions are intended to further control what land uses may occur so that the City's municipal water supplies are reasonably protect from contamination.

(4) **Shoreland overlay district**. This district includes land within the shoreland area as more fully described in s. 13-3. Provisions are intended to accomplish the purposes set forth in Article 13.

(5) **Downtown design overlay district**. This district is generally located in the downtown area and is intended to protect and perpetuate the predominant architectural character of the district.

(6) **East Third Street residential historic district**. This district was established pursuant to the procedures and requirements set forth in Title 13, Chapter 4 of the municipal code.

8-23 Relationship between base and overlay zoning districts

If a parcel is located in one or more overlay districts, the regulations that apply to the underlying base zoning district remain in effect, except as modified by the overlay district(s), and if there is any conflict between the overlay districts, the most restrictive shall control.

8-24 Necessity of zoning district designation

It is the intent of this article that no land shall be without a zoning district designation, unless specifically noted on the zoning map. In the event a parcel of land is for any reason deemed to be without a designation, no land development shall occur until such time as the Common Council has assigned the parcel an appropriate zoning classification.

8-25 Effect of a boundary line relocation on zoning designation

Pursuant to ch. 236, Wis. Stats., a lot line between adjoining parcels of land may be relocated in certain circumstances, potentially making one parcel larger and the other smaller. In those situations where the affected parcels are in different zoning districts, a lot line relocation shall not alter the location of the zoning district boundary until such time as the zoning map has been amended to reflect the new lot line.

8-26 Zoning map

(a) **Title**. The map that depicts the location of the various zoning districts shall be titled "City of Washburn Zoning Map – Bayfield County, Wisconsin."

(b) **Map series**. The zoning map may consist of two or more maps when needed to clearly depict the various zoning districts and other features typically found on a zoning map. If a map series is used, each map in the series shall include a map number and name and a listing of all maps in the series (i.e., map index).

(c) **Official zoning map**. The City Clerk shall maintain one paper copy of the zoning map as the official map which shall be signed by Mayor and countersigned by the City Clerk. If there is a discrepancy between this zoning map and other maps as may be made available, the map maintained by the City Clerk shall control in all instances.

(d) **Availability**. The zoning map maintained by the City Clerk shall be available for public inspection upon request. The City Clerk and zoning administrator may post the zoning map on the city's website and otherwise make and distribute copies in a manner deemed appropriate.

(e) **Preparation of a new official map**. In the event the zoning map maintained by the City Clerk is damaged, lost, or destroyed and after each amendment, the zoning administrator shall notify the Common Council and shall prepare a new zoning map and submit it to the Mayor and the City Clerk for signature.

(f) **History of amendment**. The zoning map maintained by the City Clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.

(g) **Archive of superseded maps**. The City Clerk shall maintain a permanent archive of superseded zoning maps that are created after December 31, 2016.

(h) **Amendment**. The procedure and requirements to amend the zoning map are set forth in Division 1 of Article 7.

8-27 to 8-40 Reserved

DIVISION 3
ALLOWABLE LAND USES

Sections

8-41	Land uses within zoning districts	8-45	Special standards for accessory land uses
8-42	Land uses not listed in land-use matrix	8-46	Special provisions for community living arrangements
8-43	Project classified in more than one land-use category	8-47	Map of conditional uses
8-44	Wind energy		

8-41 Land uses within zoning districts

(a) **General purpose zoning districts**. Land uses, as defined in Article 3, that are permitted in one or more of the base zoning districts are classified as principal, accessory, or temporary. Exhibit 8-1 lists principal land uses (Series 1 to 16), accessory uses (Series 17), and temporary uses (Series 18). Each of the land uses are designated as one of the following in each of the base zoning districts:

(1) The letter "P" indicates that the use is permitted in the zoning district by right provided that all other requirements of this chapter are met,

(2) The letter "C" indicates that the use is allowed in the zoning district as a conditional use provided that all other requirements of this chapter are met,

(3) The letters "WT" indicates that the use is subject to the special standards and procedures for Wireless Telecommunication Facilities.

(4) A hyphen "-" indicates that the use is not permitted in the zoning district.

Any commercial or industrial land use that is shown as permitted that emits air contaminants, fugitive dust, or potentially offensive odors outside of the building; incinerates any substance; or handles radioactive materials, hazardous substances, hazardous waste, or regulated substances is considered a conditional use.

(b) **Planned development districts**. Land uses that are permitted in a planned development district are enumerated in the general development plan for the district, along with development standards, if any.

(c) **Floodplain overlay district**. The floodplain overlay district prohibits or restricts those land uses that could be impacted by flood events. See Article 9 for all of the land-use regulations.

(d) **Shoreland-wetland overlay district**. The shoreland-wetland overlay district prohibits various activities that would impact specified wetlands in the shoreland areas of the city. See Article 11 for all of the land-use regulations.

(e) **Wellhead protection overlay district**. The wellhead protection overlay district prohibits or restricts those land uses that could contaminate the public water supply. See Article 12 for all of the land-use regulations.

(f) **Shoreland overlay district**. The shoreland overlay district regulates the removal of vegetation and the placement of buildings along navigable water bodies. See Article 13 for all of the land-use regulations.

(g) **Downtown design overlay district**. The downtown design overlay district is not intended to regulate land uses. See Article 14 for all of the related architectural controls.

(h) **East Third Street residential historic overlay district**. The East Third Street residential historic overlay district is not intended to regulate land uses except as set forth in Title 13, Chapter 4 of the municipal code.

Exhibit 8-1. Land-use matrix

				Zoning District										
		Special Standards	Secondary Review	R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
1	**Agriculture**													
1.01	Agriculture, crop	8-231	-	P	-	-	-	-	-	-	-	-	-	-
1.02	Agriculture, general	8-232	-	P	-	-	-	-	-	-	-	-	-	-
1.03	Agriculture-support services	8-233	ZP	-	C	-	-	-	-	-	C	-	-	-
1.04	Greenhouse	8-234	ZP	C	-	-	-	P	P	P	C	-	-	-
2	**Resource-Based Uses**													
2.01	Dam	8-241	SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-
2.02	Forestry	8-242	-	P	P	P	P	P	P	P	P	P	P	P
3	**Residential** [1]													
3.01	Mixed-use housing	8-251	AR,SP,ZP	-	-	-	-	P	P	P	-	-	-	P
3.02	Multi-family, 2 units	8-252	ZP	P	P	P	C	C	-	-	-	-	-	C
3.03	Multi-family, 3 or more units	8-253	AR,SP,ZP	-	-	C	C	C	-	-	-	-	-	C
3.04	Single-family dwelling	8-254	ZP	P	P	P	P	P	-	-	-	-	-	C
3.05	Townhouse	8-255	AR,SP,ZP	-	C	C	C	C	C	-	-	-	-	C
3.06	Twin home	8-256	ZP	P	P	P	C	C	-	-	-	-	-	C
4	**Special Care Facilities**													
4.01	Adult family home	8-271	ZP	P	P	P	P	-	-	-	-	-	-	-
4.02	Community living arrangement, 8 or fewer residents [2]	8-272	ZP	P	P	P	P	-	-	-	-	-	-	-
4.03	Community living arrangement, 9–15 residents [2]	8-272	AR,SP,ZP	C	-	P	C	-	-	-	-	-	-	-
4.04	Foster home and treatment foster home [3]	8-273	ZP	P	P	P	P	P	P	P	-	-	-	-
4.05	Group day care center [4]	8-274	AR,SP,PO,ZP	C	C	C	C	P	P	P	C	-	-	C
4.06	Hospice care center	8-275	AR,SP,ZP	-	-	C	C	C	P	C	-	-	-	C
4.07	Nursing home	8-276	AR,SP,ZP	-	-	C	C	C	P	-	-	-	-	C
4.08	Retirement home (assisted living)	8-277	AR,SP,ZP	C	-	C	C	C	C	C	-	-	-	C
4.09	Temporary residential shelter	8-278	AR,SP,PO,ZP	-	-	C	-	C	C	-	-	-	-	C
5	**Group Accommodations** [5]													
5.01	Campground	8-291	SP,PO,ZP	-	-	-	-	-	-	-	-	C	-	-
5.02	Overnight lodging	8-292	AR,SP,ZP	-	-	-	-	P	P	P	-	-	-	C
5.03	Resort	8-293	AR,SP,PO,ZP	C	-	-	C	C	-	-	-	-	-	C
5.04	Tourist rooming house	8-294	AR,SP,ZP	C	C	C	C	P	P	P	-	-	-	C
6	**Food and Beverage Sales**													
6.01	Brewpub	8-301	AR,SP,PO,ZP	-	-	-	-	-	P	P	C	-	-	C
6.02	Restaurant	8-302	AR,SP,PO,ZP	-	-	-	-	C	P	P	-	-	-	P
6.03	Tavern	8-303	AR,SP,PO,ZP	-	-	-	-	C	P	P	-	-	-	P

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Exhibit 8-1. Land-use matrix – continued

				Zoning District										
				R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
7	**Vehicle Rental, Sales, and Service**	**Special Standards**	**Secondary Review**											
7.01	Heavy vehicle sales and service	8-311	SP,PO,ZP	-	-	-	-	C	C	-	C	-	-	-
7.02	Vehicle fuel station	8-312	AR,SP,PO,ZP	-	-	-	-	-	P	-	C	-	-	-
7.03	Vehicle repair shop	8-313	AR,SP,PO,ZP	-	-	-	-	-	C	-	P	-	-	-
7.04	Vehicle sales and rental	8-314	AR,SP,PO,ZP	-	-	-	-	C	P	-	C	-	-	-
7.05	Vehicle service shop	8-315	AR,SP,PO,ZP	-	-	-	-	C	P	-	P	-	-	-
7.06	Vehicle storage yard	8-316	SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
8	**General Sales**													
8.01	Convenience retail sales	8-321	AR,SP,PO,ZP	-	-	-	-	C	P	P	C	-	-	C
8.02	General retail sales	8-322	AR,SP,PO,ZP	-	-	-	-	P	P	P	C	-	-	P
8.03	Outdoor sales	8-323	AR,SP,PO,ZP	-	-	-	-	C	C	-	C	-	-	-
9	**General Services**													
9.01	Administrative services	8-331	AR,SP,PO,ZP	-	-	-	-	P	P	P	C	-	-	P
9.02	Body-piercing establishment	8-332	AR,SP,PO,ZP	-	-	-	-	-	C	C	C	-	-	C
9.03	Commercial kennel	8-333	AR,SP,PO,ZP	-	-	-	-	C	C	-	C	-	-	-
9.04	Commercial stable	8-334	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-
9.05	Equipment rental, large	8-335	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-
9.06	Equipment rental, small	8-336	AR,SP,PO,ZP	-	-	-	-	P	P	P	P	-	-	P
9.07	Financial services	8-337	AR,SP,PO,ZP	-	-	-	-	P	P	P	-	-	-	P
9.08	Funeral home	8-338	AR,SP,PO,ZP	-	-	-	-	C	P	-	-	-	-	-
9.09	General repair	8-339	AR,SP,PO,ZP	-	-	-	-	C	P	C	P	-	-	-
9.10	General services	8-340	AR,SP,PO,ZP	-	-	-	-	P	P	P	C	-	-	P
9.11	Health care center	8-341	AR,SP,PO,ZP	-	-	-	-	C	C	C	C	-	-	-
9.12	Health care clinic	8-342	AR,SP,PO,ZP	-	-	-	-	C	P	P	C	-	-	P
9.13	Instructional services	8-343	AR,SP,PO,ZP	-	-	-	-	P	P	P	C	-	-	C
9.14	Landscape business	8-344	AR,SP,PO,ZP	-	-	-	-	C	P	-	P	-	-	-
9.15	Professional services	8-345	AR,SP,PO,ZP	-	-	-	-	P	P	P	P	-	-	P
9.16	Tattoo establishment	8-346	AR,SP,PO,ZP	-	-	-	-	-	C	C	C	-	-	C
9.17	Veterinary clinic, general	8-347	AR,SP,PO,ZP	C	-	-	-	C	P	-	C	-	-	-
9.18	Veterinary clinic, small animal	8-348	AR,SP,PO,ZP	C	-	-	-	P	P	P	C	-	-	P
10	**Recreation and Entertainment**													
10.01	Driving range	8-361	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-
10.02	Golf course	8-362	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-
10.03	Indoor entertainment	8-363	AR,SP,PO,ZP	-	-	-	-	-	C	C	-	-	-	C
10.04	Indoor recreation	8-364	AR,SP,PO,ZP	-	-	-	-	-	C	C	-	-	-	C
10.05	Indoor shooting range	8-365	AR,SP,PO,ZP	C	-	-	-	C	C	C	-	-	-	-
10.06	Outdoor entertainment	8-366	AR,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	C
10.07	Outdoor recreation	8-367	AR,SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	C

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Exhibit 8-1. Land-use matrix – continued

				Zoning District										
		Special Standards	Secondary Review	R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
11	**Government & Community Services**													
11.01	Administrative government center	8-381	AR,SP,PO,ZP	-	-	C	-	C	P	P	C	-	-	C
11.02	Animal shelter	8-382	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
11.03	Cemetery	8-383	AR,SP,PO,ZP	C	C	-	-	-	-	-	C	-	-	-
11.04	Civic use facility	8-384	AR,SP,PO,ZP	C	-	C	-	C	P	P	C	C	-	C
11.05	Community center	8-385	AR,SP,PO,ZP	C	C	C	C	P	P	P	C	C	-	P
11.06	Community cultural facility	8-386	AR,SP,PO,ZP	C	C	C	-	C	C	C	C	C	-	C
11.07	Community garden	8-387	SP,ZP	P	P	C	P	P	P	P	P	C	-	C
11.08	Educational facility, post-secondary	8-388	AR,SP,PO,ZP	C	C	C	-	C	P	C	C	-	-	-
11.09	Educational facility, pre-K through 12	8-389	AR,SP,PO,ZP	C	C	C	-	C	C	-	-	-	-	-
11.10	Maintenance garage	8-390	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-
11.11	Park	8-391	AP,SP,PO,ZP	P	P	P	P	P	P	P	P	P	P	P
11.12	Public safety facility	8-392	AR,SP,PO,ZP	C	-	-	-	C	P	C	C	-	-	C
11.13	Recreation trail	8-393	-	C	C	C	C	C	C	C	C	C	C	C
11.14	Worship facility	8-394	AR,SP,PO,ZP	C	C	C	-	C	P	C	C	-	-	-
12	**Telecommunications and Utilities** [6]													
12.01	Radio broadcast facility	8-411	SP,PO,ZP	C	C	-	-	-	-	-	C	-	-	-
12.02	Solar power plant	8-412	SP,PO,ZP	C	C	-	C	-	-	-	C	C	-	-
12.03	Stormwater management facility	8-413	-	P	P	P	P	P	P	P	P	P	P	P
12.04	Telecommunication collocation (class 1)	8-414	ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT
12.05	Telecommunication collocation (class 2)	8-415	ZP	P	P	P	P	P	P	P	P	P	P	P
12.06	Telecommunication tower	8-416	ZP	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT	WT
12.07	Utility installation, major	8-417	SP,PO,ZP	C	C	C	C	C	C	C	C	C	C	C
12.08	Utility installation, minor	8-418	ZP	P	P	P	P	P	P	P	P	P	P	P
12.09	Utility maintenance yard	8-419	AR,SP,PO,ZP	-	-	-	-	-	-	-	P	-	-	-
13	**Transportation**													
13.01	Bus storage facility	8-431	AR,SP,PO,ZP	C	-	-	-	C	C	-	C	-	-	-
13.02	Marina	8-432	AR,SP,PO,ZP	-	-	-	-	-	-	-	-	-	P	-
13.03	Mass transit terminal	8-433	AR,SP,PO,ZP	-	-	-	-	C	P	C	C	-	-	C
13.04	Off-site parking lot	8-434	SP,ZP	-	-	-	-	C	P	C	C	C	-	C
13.05	Park-and-ride lot	8-435	SP,PO,ZP	C	C	-	-	P	C	-	C	C	-	-
13.06	Street	8-436	-	P	P	P	P	P	P	P	P	P	P	P
14	**General Storage**													
14.01	Boat yard	8-451	AR,SP,PO,ZP	C	-	-	-	-	-	-	C	-	C	C
14.02	Indoor boat storage	8-452	SP,PO,ZP	-	-	-	-	-	-	-	C	-	C	-
14.03	Personal storage facility	8-453	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
14.04	Truck terminal	8-454	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
14.05	Warehouse	8-455	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-

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Exhibit 8-1. Land-use matrix – continued

				Zoning District										
				R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
15	**Industrial and Manufacturing**	**Special Standards**	**Secondary Review**											
15.01	Artisan shop, Type I	8-471	AR,SP,PO,ZP	-	-	-	-	P	P	P	C	-	-	C
15.02	Artisan shop, Type Ii	8-472	AR,SP,PO,ZP					C	C	C	C	-	-	C
15.03	Construction equipment repair	8-473	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
15.04	Construction equipment sales and service	8-474	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
15.05	Contractor yard	8-475	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
15.06	Manufacturing	8-476	AR,SP,PO,ZP	-	-	-	-	-	-	C	P	-	-	-
16	**Solid Waste**													
16.01	Composting facility	8-491	AR,SP,PO,ZP	C	-	-	-	-	-	-	C	-	-	-
16.02	Recycling center	8-492	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
16.03	Solid waste transfer station	8-493	AR,SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
17	**Accessory Uses**													
17.01	Accessory dwelling unit [7]	8-521	SP,ZP	C	C	C	C	-	-	-	-	-	-	-
17.02	Adult family home [7]	8-522	ZP	P	P	P	P	-	-	-	-	-	-	-
17.03	Amateur radio and/or citizens band antenna [7]	8-523	ZP	P	P	P	P	P	P	P	P	P	P	P
17.04	Bed and breakfast [7]	8-524	SP,PO,ZP	C	C	C	C	C	-	-	-	-	-	-
17.05	Boat dock [7]	8-525	-	-	-	-	P	-	-	-	-	P	P	P
17.06	Boathouse [7]	8-526	ZP	-	-	-	P	-	-	-	-	-	-	-
17.07	Exterior communication device	8-527	-	P	P	P	P	P	P	P	P	P	P	P
17.08	Family day care home [7]	8-528	ZP	P	P	P	P	P	-	-	-	-	-	-
17.09	Farm building for non-farm storage	8-529	SP,PO,ZP	C	-	-	-	-	-	-	-	-	-	-
17.10	Fence	8-530	-	P	P	P	P	P	P	P	P	P	P	P
17.11	Firewood storage	8-531	-	P	P	P	P	P	P	P	P	P	P	P
17.12	Foster home and treatment foster home [2,7]	8-532	ZP	P	P	P	P	P	P	C	-	-	-	-
17.13	Garage, nonresidential	8-533	AR,ZP	C	C	C	-	P	P	P	P	P	P	P
17.14	Garage, residential [7]	8-534	ZP	P	P	P	P	P	P	P	-	-	-	P
17.15	Greenhouse [7]	8-535	ZP	P	P	P	P	P	P	P	-	-	-	-
17.16	Home occupation, major [7]	8-536	SP,PO,ZP	C	C	C	C	P	P	P	-	-	-	-
17.17	Home occupation, minor [7]	8-537	ZP	P	P	P	P	P	P	P	-	-	-	P
17.18	Household livestock [7]	8-538	ZP	C	-	-	-	-	-	-	-	-	-	-
17.19	Kennel, hobby [7]	8-539	SP,PO,ZP	C	C	-	C	-	-	-	-	-	-	-
17.20	Light industrial use incidental to sales/service	8-540	SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
17.21	Outdoor food and beverage service	8-541	SP,PO,ZP	-	-	-	-	C	C	C	-	-	-	C
17.22	Play structure [7]	8-542	-	P	P	P	P	P	-	-	-	-	-	-
17.23	Pond	8-543	SP,ZP	P	P	P	P	C	-	-	-	P	-	-
17.24	Rural accessory building	8-544	-	P	-	-	-	-	-	-	-	-	-	-
17.25	Sales incidental to industrial use	8-545	SP,PO,ZP	-	-	-	-	-	-	-	C	-	-	-
17.26	Service window, drive-up	8-546	SP,PO,ZP	-	-	-	-	C	C	C	-	-	-	C
17.27	Service window, walk-up	8-547	SP,PO,ZP	-	-	-	-	C	C	C	-	-	-	C

continued on next page

Exhibit 8-1. Land-use matrix - continued

				Zoning District										
				R-1	R-2	R-6	R-7	C-1	C-2	C-3	I-1	L-1	M	MUW
17	**Accessory Uses -** continued	Special Standards	Secondary Review											
17.28	Solar energy system, building-mounted	8-548	ZP	P	P	P	P	P	P	P	P	P	P	P
17.29	Solar energy system, free-standing	8-549	SP,ZP	P	P	P	P	P	P	P	P	P	P	P
17.30	Storage container	8-550	SP	-	-	-	-	-	C	-	-	-	-	-
17.31	Swimming pool [7]	8-551	ZP	P	P	P	P	-	-	-	-	-	-	-
17.32	Utility cabinet	8-552	ZP	P	P	P	P	P	P	P	P	P	P	P
17.33	Work/live dwelling unit [7]	8-553	SP,ZP	-	-	-	-	C	P	P	C	-	-	C
17.34	Yard shed	8-554	ZP	P	P	P	P	P	P	P	-	-	-	-
18	**Temporary Uses**													
18.01	Contractor's office	8-601	SP,ZP	-	-	P	-	P	P	P	P	-	P	P
18.02	Earth materials stockpile	8-602	SP,PO,ZP	P	P	P	P	P	P	P	P	-	-	C
18.03	Farmers market [8]	8-603	SP,PO,ZP	C	-	-	-	P	P	P	-	C	C	C
18.04	Farm stand, off-site	8-604	ZP	-	-	-	-	P	P	P	C	-	-	C
18.05	Farm stand, on-site [7]	8-605	ZP	P	P	P	-	P	P	-	-	-	-	-
18.06	Livestock for vegetation management	8-606	ZP	P	P	P	P	P	P	-	P	P	-	P
18.07	Model home	8-607	PO,ZP	C	C	C	C	-	-	-	-	-	-	-
18.08	Off-site construction yard	8-608	SP,PO,ZP	C	C	-	-	-	-	-	C	-	-	-
18.09	Party tent	8-609	-	P	P	P	P	P	P	P	P	P	P	P
18.10	Portable storage container	8-610	-	P	P	P	P	P	P	P	P	P	P	P
18.11	Seasonal product sales	8-611	ZP	C	-	-	-	C	C	-	C	-	C	C
18.12	Sidewalk café	8-612	ZP	-	-	-	-	P	P	P	-	-	-	P
18.13	Special event, major	8-613	SP,PO,ZP	C	C	C	C	C	C	C	C	C	C	C
18.14	Special event, minor	8-614	ZP	P	P	P	P	P	P	P	P	P	P	P
18.15	Wind test tower	8-615	ZP	P	P	P	P	P	P	P	P	P	P	P
18.16	Yard sale	8-616	-	P	P	P	P	P	P	P	-	-	-	-

Zoning Districts

R-1 Rural Residential; R-2 Single-Family Residential; R-6 Mixed Residential; R-7 Waterfront Residential; C-1 Cottage Commercial; C-2 General Commercial; C-3 Downtown Commercial; I-1 Industrial; L-1 Lakefront Corridor; M Marina; MUW Mixed-Use Waterfront

Key for Land Uses

"-" indicates that the use is not permitted in the zoning district.
"C" indicates that the use is permitted in the zoning district as a conditional. In addition, secondary review procedures may apply as indicated in the matrix.
"P" indicates that the use is permitted in the zoning district by right subject to secondary review procedures as indicated in the matrix.
"WT" indicates that the use is subject to the special review standards and procedures for Wireless Telecommunication Facilities.

Key for Secondary Review

"AR" indicates a building plan is required.
"PO" indicates a plan of operation is required.
"SP" indicates a site plan is required.
"ZP" indicates a zoning permit is required.
When a use is allowed as a conditional use, the reviewing authority may require submission and approval of a building plan, site plan, and/or plan of operation even when not otherwise required.

Notes:

1. An accessory dwelling unit is accessory to a residential use and is therefore listed in Series 17 (Accessory uses).
2. Refer to s. 8-46 that describes the extent to which the city may control the establishment of community living arrangements.
3. A foster home that is owned, operated, or contracted for by the state of Wisconsin or a county department, is not subject to this chapter pursuant to 63 Atty. Gen. 34. All other foster homes and treatment foster homes shall comply with this chapter.
4. A family day care home (4-8 children) is accessory to a residential use and is therefore listed in Series 17 (Accessory uses).
5. A bed and breakfast is accessory to a residential use and is therefore listed in Series 17 (Accessory uses).
6. An amateur radio and/or citizen band antenna is accessory to a residential use and is therefore listed in Series 17 (Accessory uses).
7. This use may only occur with a residential use.

8. In addition to the zoning districts listed, this use may occur with a governmental or institutional use (e.g., school or church) as a permitted use).

8-42 Land uses not listed in land-use matrix

Any land use that is not listed in Exhibit 8-1 is prohibited unless the zoning administrator determines that such use is substantially similar to another use that is listed using the procedures and requirements set forth in Article 7 for a code interpretation.

8-43 Project classified in more than one land-use category

If a proposed project includes both an allowable land use and a prohibited land use, the prohibited portion of the project shall not occur in the zoning district.

8-44 Wind energy

This chapter does not include any regulations relating to wind energy systems. The City of Washburn may however, enact an ordinance to regulate wind energy systems pursuant to the procedures and requirements set forth in s. 66.0401, Wis. Stats.

8-45 Special standards for accessory land uses

(a) **Generally**. An accessory building may only be established on a parcel when the property has a principal building or one is being constructed.

(b) **Exception for a utility cabinet.** For the purpose of this chapter, a utility cabinet may be established on a vacant lot prior to the establishment of a principal use.

(c) **Exception for removal of a principal building while retaining an accessory building**. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow the removal of a principal building, while retaining the accessory building, when the Plan Commission determines that the principal building is dilapidated and the accessory building meets current building codes and serves a useful purpose. If the Plan Commission approves the special exception, the property owner shall record a deed restriction, as approved by the Plan Commission, in the Bayfield County register of deeds office that controls the use of the accessory building and incorporates any requirement imposed by the Plan Commission as a condition of approval.

(d) **Exception for R-1 district**. In the R-1 zoning district, an accessory building may be established prior to the establishment of a principal building, provided all other requirements are met.

8-46 Special provisions for community living arrangements

(a) **Limitations**. Under state law, the City of Washburn may not limit the number of community living arrangements so long as the total capacity of such facilities does not exceed 25 or one percent of the city's population, whichever is greater. When that threshold is exceeded, the Common Council may prohibit additional community living arrangements from being located in the city. Additionally, when the capacity of community living arrangements in a ward reaches 25 or one percent of the population, whichever is greater, the Common Council may prohibit additional community living arrangements from being located in the ward. A foster home or a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under s. 48.62, Wis. Stats., and an adult family home certified under s. 50.032(lm)(b), Wis. Stats., are exempt from this provision.[1]

(b) **Periodic review of existing facilities**. Not less than 11 months but not more than 13 months after the first licensure of an adult family home under s. 50.033, Wis. Stats., or of a community living arrangement and every year thereafter, the Common Council may make a determination pursuant to s. 59.69(15)(j), Wis. Stats., as to the effect of such facility on the health, safety, or welfare of residents of the municipality. If the Common Council determines such facility poses a threat to the health, safety, or welfare of the residents of the municipality, the Common Council may order such facility to cease operation or obtain a conditional use permit to continue operation. Such facility shall cease operation within 90 days after date of the order, or the date of final judicial review of the order, or the date of the denial of a conditional use permit, whichever is later. The fact that an individual with acquired immunodeficiency syndrome or a positive test for the presences of HIV, as defined in s. 252.01(1M), Wis. Stats., antigen or nonantigenic products of HIV or an antibody to HIV resides in a community living

[1] Commentary: See s. 59.69(15)(b)(1) and also s. 59.69(15)(bm), Wis. Stats.

arrangement with a capacity of 8 or fewer persons may not be used under this subsection to assert or prove that the existence of the community living arrangement in the community poses a threat to the health, safety, or welfare of the residents of the city.[2]

8-47 Map of conditional uses

The zoning administrator is authorized to prepare a map showing those properties that have an active conditional use permit and to amend the same from time to time.

8-48 to 8-60 Reserved

DIVISION 4
DIMENSIONAL AND RELATED STANDARDS

Sections

8-61	Generally	8-70	Floor area
8-62	Lot area	8-71	Number of principal buildings on a lot
8-63	Lot width	8-72	Number of accessory buildings on a lot
8-64	Street frontage	8-73	Separation requirements for on-site sewage systems and water wells
8-65	Lake frontage	8-74	Separation requirements for buildings
8-66	Setbacks	8-75	Placement of accessory buildings on a lot
8-67	Building and structure height	8-76	Vision triangle
8-68	Building coverage		
8-69	Impervious coverage		

8-61 Generally

Lots, buildings, and other structures not located within a planned development district shall conform to the dimensional standards set forth in Appendix B, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district.

8-62 Lot area

(a) **Generally**. The minimum size of lots shall comply with the requirements set forth in Appendix B, except when such lots are otherwise authorized herein.

(b) **Exemptions**. A parcel created by a land division that is authorized by the City is exempt from the minimum lot area requirements if such parcel is to be dedicated to the public or used for stormwater facilities or other types of development-related infrastructure or common open space, including walking and recreation trails.

(c) **Measurement of lot area**. Lot area is measured on the horizontal plane. For lots created after December 31, 2016 the following features shall not be included when determining the minimum lot area:

(1) slopes exceeding 10 percent;

(2) stormwater basins up to the design capacity elevation;

(3) 100-year floodplains as delineated by an adopted flood insurance rate map (FIRM);

(4) lakes, streams, manmade ponds, and similar waterbodies up to the elevation of the ordinary high-water mark;

(5) the area within the proposed right-of-way of a road so designated on a highway width map as may be adopted by Bayfield County; and

[2] Commentary: See ss. 59.69(15)(i), 59.69(15)(im), Wis. Stats.

(6) if the road on which the lot fronts is not located within a public road right-of-way, the area of the easement designated for public road purposes, or the area extending 33 feet from the center of the road if the road is not located within an easement.

(d) **Use of a lot not meeting specified dimensional standards**. The use of a vacant nonconforming lot is governed by requirements set forth in Article 21.

(e) **Change in lot, generally**. A property owner shall not modify the area of an existing lot by any means so that the resulting lot area is less than the minimum lot area for the zoning district in which such lot is located, or if the existing lot is nonconforming with respect to lot area to reduce the lot area to make it more nonconforming. [3]

(f) **Change in lot with a conditional use**. The property boundary lines of a lot containing a conditional use shall not be modified in any manner without the express authorization of the Common Council upon recommendation of the Plan Commission. If the Common Council determines that the proposed reconfiguration or change in lot area is significant, the proposed change may only occur if the Council grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.

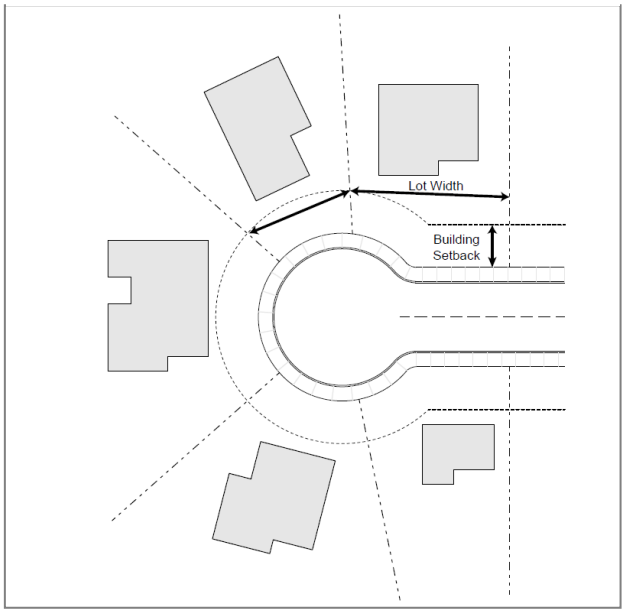
8-63 Lot width

(a) **Generally**. The width of a lot shall comply with the standards set forth in Appendix B.

(b) **Exemptions**. A parcel created by a land division that is authorized by the City of Washburn is exempt from the lot width requirements if such parcel is dedicated to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails.

(c) **Measurement of lot width**. Lot width is measured along an imaginary line generally parallel to the front lot line at the front yard building setback line as generally depicted in Exhibit 8-2. Such measurement may not be interrupted by any feature, as in the case of a lot with two areas on the same road.

Exhibit 8-2. Measurement of lot width



8-64 Street frontage

(a) **Generally**. A lot shall have and maintain frontage on a public street or approved private road for physical access to the lot in the location approved by the city, Bayfield County, or the state of Wisconsin for the minimum distance set forth in Appendix B. Frontage on a public or private road where access is prohibited does not constitute frontage for the purpose of this section.

(b) **Exemptions**. A parcel created by a land division that is authorized by the City of Washburn is exempt from the street frontage requirements if such parcel is dedicated to the public or used for stormwater facilities and other type of development-related infrastructure or common open space including walking and recreation trails.

(c) **Measurement of street frontage**. Street frontage is measured along (1) the front property boundary line, (2) the easement dedicated for public road purposes, (3) 33 feet from the centerline of the public road if not located within an easement or right-of-way, or (4) the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County, whichever is furthest from the public road.

8-65 Lake frontage

(a) **Generally**. A lot fronting on Lake Superior shall have at least 100 feet of lake frontage.

[3] Commentary: This provision does not apply to a governmental body that acquires land from a willing or unwilling seller when needed for a public project, such as a road expansion.

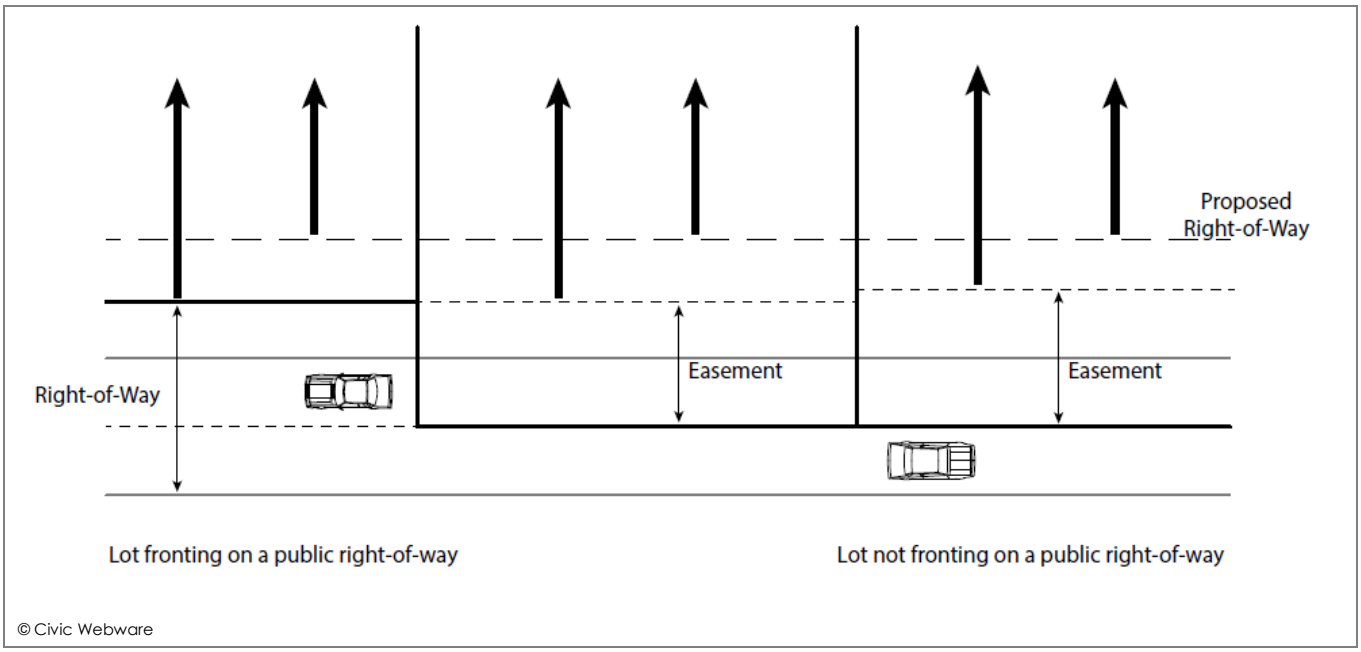
(b) **Measurement of lake frontage**. Lake frontage is measured perpendicular to one or both of the side lot lines at the ordinary high-water mark.

8-66 Setbacks

(a) **Generally**. Except as allowed in this section, buildings shall comply with the setback requirements set forth in Appendix B. For the purpose of this section, a roof overhang of 24 inches or less shall not be included in any setback measurement.

(b) **Measurement of front-yard setback**. The front-yard setback is measured perpendicular from (1) the front property boundary line, (2) the easement dedicated for public road purposes, (3) 33 feet from the centerline of the public road if not located within an easement or right-of-way, or (4) the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County, whichever is furthest from the public road (Exhibit 8-3).

Exhibit 8-3. Measurement of front-yard setback



(c) **Measurement of side-yard and rear-yard setback**. The side-yard setback is measured perpendicular to the side yard property boundary line. The rear-yard setback is measured perpendicular to the rear property boundary line.

(d) **Reduction of side yards on narrow lots.** In the case of any lot of record having a lot width that is less than what is required, the side yard setback is reduced proportionately to the ratio between the actual and required widths as more fully described in Appendix B.

(e) **Setback averaging for front-yard setback**. In lieu of the minimum front-yard setback specified in Appendix B, an alternative distance may be used in the more developed areas of the city based on the averaging of various specified buildings in the immediate area. The resulting setback may be less than or greater than the specified distance.

In those areas of the city where the majority of principal buildings along a street have less than the required front-yard setback, the setback for any new building or addition to an existing building is determined by averaging the setbacks for buildings within 300 feet that are closer than the established setback.

In those areas of the city where the majority of principal buildings along a street have significantly more than the required front-yard setback, the setback for a new building or an addition to an existing building is determined by averaging the setbacks for those buildings within 300 feet.

For the purpose of this subsection, the following rules shall apply when applying setback averaging:

(1) Building projections which may extend into the setback area are not to be included.

(2) Setback reductions as allowed by a variance shall not be included.

(3) The required setback shall be used for any vacant lot.

(f) **Decks and porches**. Decks and porches are considered to be part of the building to which they are attached, and therefore must comply with all applicable setback requirements.

(g) **Wheelchair access ramps.** The building inspector may, upon written petition, allow the construction of an unenclosed wheelchair access ramp in a setback area, provided the proposed location for the ramp is the only reasonable location based on the existing configuration of the building and the ramp encroaches into the offset area no more than is necessary to provide access to the building. Also see s. 8-3 for additional provisions relating to reasonable accommodations.

(h) **Structures and uses permitted in setback areas**. The following may be located in a required setback area, provided they do not extend into, or are located within, a utility easement or a required fire lane and meet all other requirements of this chapter:

(1) landscaping;

(2) retaining walls;

(3) fences;

(4) freestanding mailboxes and newspaper boxes;

(5) play equipment, except not in a front yard;

(6) small objects easily moved by hand such as birdbaths, birdfeeders, and birdhouses;

(7) portable grills, picnic tables, and yard furniture but not when located on a patio or deck;

(8) gardens;

(9) cold frames;

(10) rain catchment systems;

(11) flag poles,

(12) compost bins;

(13) clotheslines;

(14) sidewalks in a development project, but not closer than 5 feet to a parcel in a residential zoning district or a planned development district that allows residential uses;

(15) driveways, but not closer than 5 feet to a side lot line;

(16) boat docks and boathouses when, but not closer than 5 feet to a side lot line;

(17) specified building projections and other features as provided for in Exhibit 8-4;

(18) components of a private on-site sewage system, including holding tanks (if allowed), leach fields, and septic tanks provided separation requirements are met;

(19) wellheads not located in a building or other structure, provided separation requirements in state law are met;

(20) those structures and uses where applicable development standards included in Division 7, relating to principal uses; Division 8, relating to accessory uses; and Division 9, relating to temporary uses, of this article either exempt or establish alternate setbacks requirements; and

(21) other structures and land uses when exempted by the zoning administrator, provided such exemption is in keeping with the intent of this chapter.

Exhibit 8-4. Allowable building projections into a required setback area

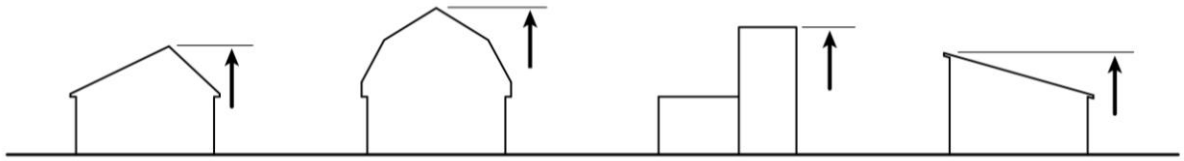
Feature	Maximum projection
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a required front, side, or rear yard
Eaves	24 inches into a required front, side, or rear yard
Chimney	36 inches into a required front, side, or rear yard
Open or lattice enclosed fire escape, fireproof outside stairway and balcony opening upon fire tower	5 feet into a required side or rear yard
Balconies	3 feet into a required front or side yard; 5 feet into a required rear yard
Sunshades and awnings	3 feet into a required front or side yard; 5 feet into a required rear yard
Areaways	4 feet into a required side yard; 5 feet into a required rear yard
Steps, stoops, and porches, provided they are not higher than the ground floor elevation of the building to which they are attached	8 feet into a required front yard; 3 feet into a required side or rear yard

8-67 Building and structure height

(a) **Generally**. Except as allowed in this section, the height of a structure shall comply with the standards set forth in Appendix B.

(b) **Measurement of building height**. The height of a building is measured from the lowest finished grade at the building line to the highest point of any of the following roof types: flat, gable, gambrel, hip, shed, or mansard (Exhibit 8-5).

Exhibit 8-5. Measuring building height



© Civic Webware

(c) **Modifications**. The height standards in Appendix B are modified as follows:

(1) Essential services, such as utilities, water towers, and transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.

(2) The height of telecommunication towers are governed by the standards established under Division 11 of this article.

(3) Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception for spires, steeples, copulas, and chimneys on institutional, commercial, and industrial buildings.

8-68 Building coverage

(a) **Generally**. Building coverage is a measure of how much of a lot is occupied by buildings. It is the ratio of the footprint of all buildings on a lot to the net lot area, typically expressed as a percent. Standards for building coverage are used in conjunction with other standards such as building height to ensure buildings fit the zoning district in which they are located.

(b) **Standards**. Development on a lot shall comply with the building coverage standards set forth in Appendix B. The following shall not be included in determining building coverage: decks, patios, swimming pools, and any building with a footprint of 120 square feet or less.

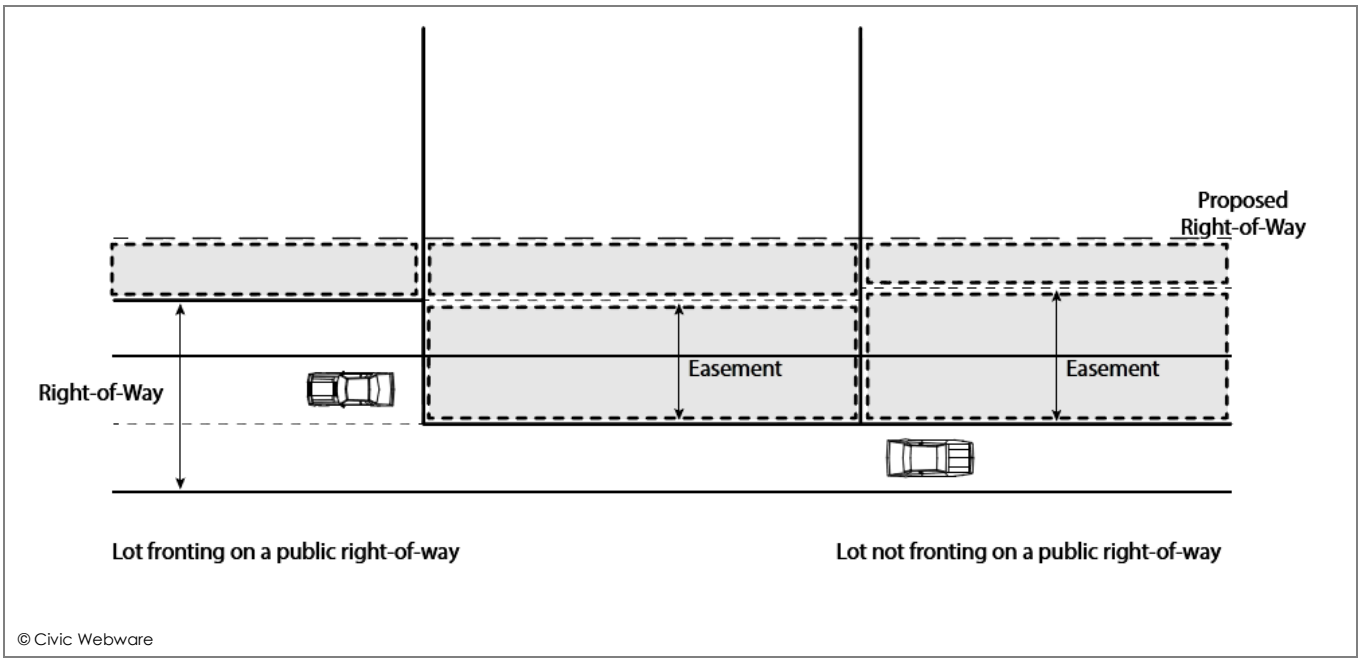
(c) **Determination of net lot area**. For the purpose of this section, the net lot area is determined by subtracting the following from the gross lot area as may be appropriate:

(1) If the public road is located within a public right-of-way, the area, if any, between the front property line and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County (Exhibit 8-6).

(2) If the public road is located within an easement, the area within such easement, and the area, if any, between such easement line and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County (Exhibit 8-6).

(3) If the public road is not located within a public right-of-way or an easement, the area extending 33 feet from the centerline of the public road, and the area, if any, between the previously defined area, and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County(Exhibit 8-6).

Exhibit 8-6. Areas to be deducted from gross lot area



(d) **Change in lot, generally**. A property owner shall not modify the area of an existing lot by any means so that the resulting lot does not comply with the building coverage standards set forth in Appendix B.

8-69 Impervious coverage

(a) **Generally**. Impervious coverage is a measure of how much of the lot is not able to absorb stormwater. It is the ratio of the total of all impervious surfaces to the net lot area, typically expressed as a percent. Standards are used to control the amount of impervious surface so that stormwater does not cause damage to infrastructure, buildings, and the natural environment, or endanger public safety.

(b) **Standards**. Development on a lot shall comply with the maximum impervious surface ratios set forth in Appendix B. For the purposes of this section, the following features are classified as impervious: concrete, asphalt, gravel, compacted soil, buildings, decks, and swimming pools.

(c) **Determination of net lot area**. For the purpose of this section, the net lot area is determined by subtracting the following from the gross lot area as may be appropriate:

(1) If the public road is located within a public right-of-way, the area, if any, between the front property line and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County (Exhibit 8-6).

(2) If the public road is located within an easement, the area within such easement, and the area, if any, between such easement line and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County (Exhibit 8-6).

(3) If the public road is not located within a public right-of-way or an easement, the area extending 33 feet from the centerline of the public road, and the area, if any, between the previously defined area, and the proposed right-of-way as depicted on a highway width map as may be adopted by Bayfield County (Exhibit 8-6).

(d) **Change in lot, generally**. A property owner shall not modify the area of an existing lot by any means so that the resulting lot does not comply with the impervious surface standards set forth in Appendix B.

8-70 Floor area

(a) **Minimum residential living area**. A building intended in whole or part for residential purposes shall provide a minimum floor area as set forth in Appendix B. The following areas are not counted as floor area for the purpose of this section: basements, attics not used for living purposes, attached garages, decks, porches, stoops, any space where the floor-to-ceiling height is less than 6 feet, and similar features.

(b) **Maximum garage area**. The floor area of garages shall comply with the standards set forth in Appendix B.

8-71 Number of principal buildings on a lot

(a) **Generally**. Except as allowed in this section, only one principal building is allowed on a lot. In the administration of this subsection, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

(1) connection by a breezeway of any length,

(2) connection by a deck,

(3) connection by a porch,

(4) any underground connection of any type,

(5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building,

(6) any connection that serves no significant purpose other than a walkway,

(7) any connection that is significantly smaller in dimension than the connected parts, or

(8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

(b) **Exception for single-family dwelling unit during construction**. The Common Council, upon recommendation of the Plan Commission, may approve the issuance of a building permit for a single-family dwelling unit on a lot with an existing single-family dwelling unit, and allow the property owner to occupy the existing unit for a period of time not to exceed 18 months during the construction of the new dwelling unit.

If approval is granted, the property owner shall provide a financial guarantee to the City pursuant to the requirements in Division 4 of Article 6 of this code in such amount as approved by the building inspector and the Common Council, and a signed agreement, approved by the city attorney and the Common Council. The financial guarantee shall equal 110 percent of the cost of removing the existing dwelling unit and restoring the site to an acceptable condition as determined by the building inspector. In setting the amount of the financial

guarantee, the property owner may submit, and the building inspector may require the property owner to submit bids from qualified contractors for all work related to the removal of the building and restoration of the site. The signed agreement shall, at a minimum, include the following provisions:

(1) The property owner and his/her family and no other may occupy the existing dwelling unit.

(2) The property owner will remove the existing dwelling unit within 60 days from the issuance of the occupancy permit for the new dwelling unit.

(3) The City is authorized to access the property to remove the existing dwelling unit if the property owner fails to do so within 60 days of issuance of an occupancy permit for the new dwelling unit.

(4) The City may assess a special charge against the subject property to the extent the financial guarantee is insufficient to cover the actual cost of removing the existing dwelling unit and restoring the site to an acceptable condition as determined by the building inspector.

(c) **Exception for duplexes and multi-family dwelling units**. The Common Council may allow more than one duplex or multi-family dwelling on a single lot, when the cumulative density does not exceed the density otherwise allowed on individual lots.

(d) **Exception for commercial and manufacturing buildings**. The Common Council may allow more than one commercial or manufacturing building, when such building is needed for the operation of an existing use that is allowed by right or has been approved as a conditional use.

(e) **Additional standards**. When more than one permanent building is allowed on a lot, the reviewing authority may (1) require a greater setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping or screening, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter set forth in s. 1-5 or in any other section of this chapter.

8-72 Number of accessory buildings on a lot

(a) **Generally**. The number of accessory buildings on a lot shall comply with the requirements set forth in Appendix B. In the administration of this subsection, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:

(1) connection by a breezeway of any length,

(2) connection by a deck,

(3) connection by a porch,

(4) any underground connection of any type,

(5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building,

(6) any connection that serves no significant purpose other than a walkway,

(7) any connection that is significantly smaller in dimension than the connected parts, or

(8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

(b) **Rural accessory buildings**. Pursuant to the procedures and requirements contained in Article 7 of this chapter, the Plan Commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.

8-73 Separation requirements for on-site sewage systems and water wells

On-site sewage systems, if allowed, and water wells, if allowed, shall comply with all separation requirements as may be established by the City of Washburn, Bayfield County, or the state of Wisconsin.

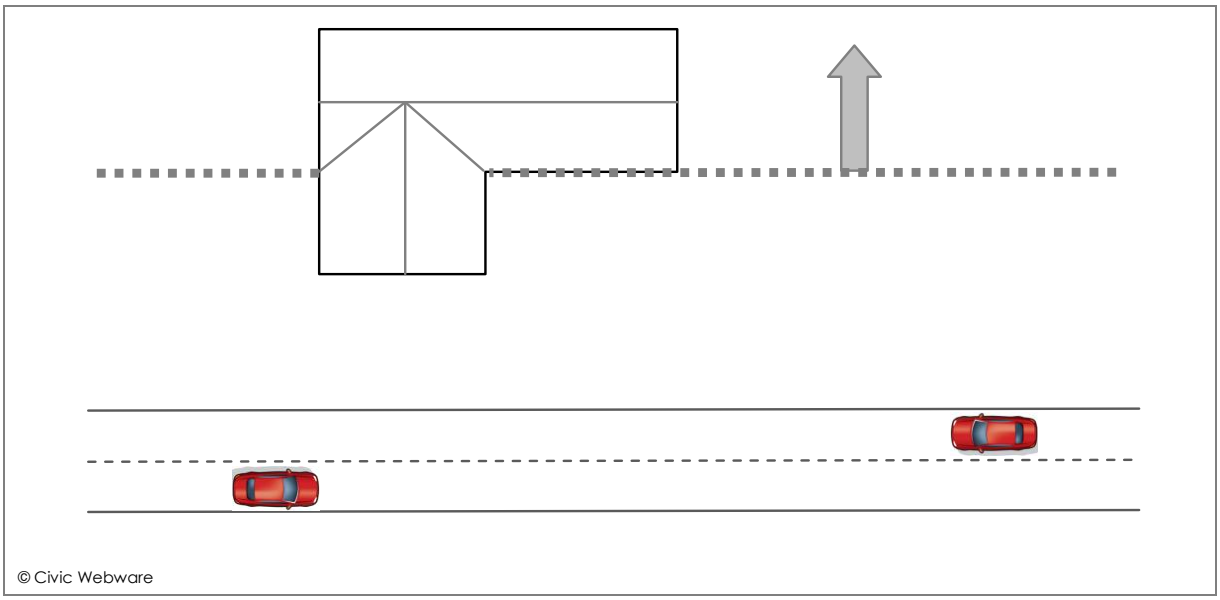
8-74 Separation requirements for buildings

An accessory building shall be erected or otherwise placed on a lot so that it is at least 10 feet to the principal building on the lot, without a firewall.

8-75 Placement of accessory buildings on a lot

Except as allowed in this section, a detached accessory building shall be located behind the most recessed portion of the front (i.e., face of the building closest to the street) of the principal building (Exhibit 8-7). In the case of a corner lot, the accessory building shall meet the minimum setback requirements from all streets. Only accessory buildings for agricultural uses are permitted in front of the principal building. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the Plan Commission shall consider (1) the size of the subject property, (2) the character of the area, (3) the size of the accessory building, (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area, and (5) other factors related to relevant circumstances.

Exhibit 8-7. Placement of accessory buildings



8-76 Vision triangle

(a) **Purposes.** Vision triangles are established at the intersection of existing and proposed roadways to help ensure that motorists are able to see pedestrians and cross traffic.

(b) **Establishment**. A vision triangle is formed by two lines along the right-of-way for the distances listed below and a chord connecting the end of those two lines (Exhibit 8-8).

(1) 10 feet along an alley

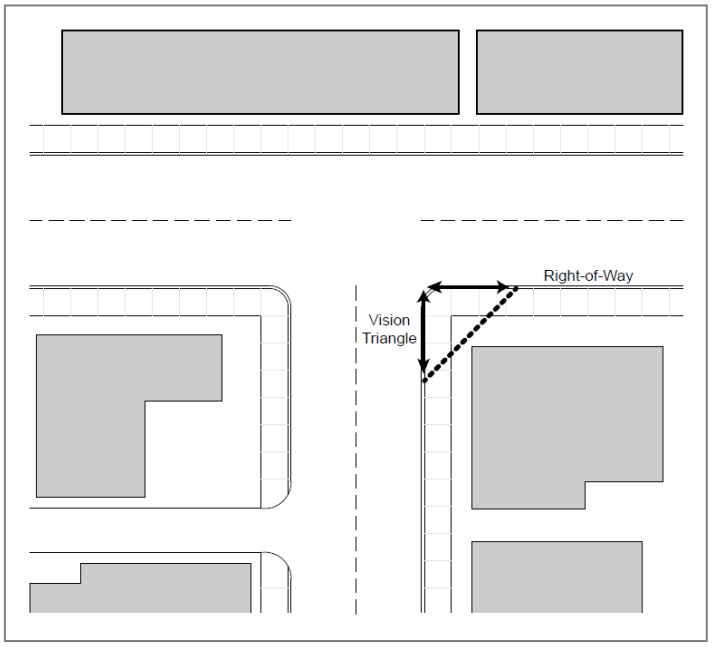
(2) 15 feet along a local street

(3) 40 feet along all other roadways

(c) **Applicability**. This section applies to all new development, except in the C-3 zoning district. Furthermore, the zoning administrator may, on a case-by-case basis, allow a lesser standard in those zoning districts where reduced or no building setbacks are encouraged or required.

(a) **Requirements of other jurisdictions**. When one or both of the roadways at an intersection are under the control of the county, state, or federal government, development shall comply with the requirements imposed by the jurisdiction with

Exhibit 8-8. Vision triangle



authority. In all cases, the requirement imposing the largest vision triangle shall control.

(b) **Permissible use**. The area in a vision triangle shall be kept unobstructed from 3 feet to 10 feet above the elevation of the centerline of the intersection, except for traffic signs, public utility poles, single-stem tree trunks without branches, and similar features as determined by the zoning administrator.

8-77 to 8-90 Reserved

DIVISION 5
RESERVED

8-91 to 8-120

DIVISION 6
ENVIRONMENTAL AND ENGINEERING

Sections

8-121	Site restrictions	8-126	Stormwater control
8-122	Building grade	8-127	Noxious odors
8-123	Sanitation and water supply	8-128	Air pollution
8-124	Preservation of topography	8-129	Noise
8-125	Erosion and sedimentation control	8-130	Wastewater discharges

8-121 Site restrictions

If the zoning administrator determines that a parcel of land, whether vacant, partially developed, or fully developed, contains one or more development constraints that would preclude the normal use of the parcel for a use that is otherwise permitted in the zoning district in which it is located, he or she shall render a written determination that states the best available facts related to the development constraint and other information as may be appropriate. Examples of development constraints include threatened/endangered species, unfavorable topography, rock formations, shallow depth to bedrock, unstable or otherwise unsuitable soils, stormwater runoff, inadequate drainage, erosion susceptibility, high groundwater, or any other constraint that is harmful to the public health, safety, and welfare. Once such a determination has been made, the zoning administrator, building inspector, or other governmental official or body shall not issue a development order or other approval authorizing the development in the area subject to the development constraint. The property owner shall have the right to appeal such administrative decision consistent with the procedures and requirements in Article 7. The zoning administrator may reconsider his or her determination at any time and render a new determination if new or additional facts become known or if the facts upon which the determination was made are not accurate.

8-122 Building grade

The first floor of a building that is erected or otherwise placed on a lot shall be set at a grade approved by the city building inspector. In establishing the building's grade, the building inspector should consider the grade of other buildings in the immediate area, effects on drainage, and safe vehicular access. If the building, in whole or in part, is located within the 100-year floodplain, the first floor elevation shall comply with requirements set forth in Article 9.

8-123 Sanitation and water supply

A land use involving human use or occupancy shall be served by safe and adequate facilities for water supply and sewage disposal.

8-124 Preservation of topography

(a) **Purpose**. The purpose of this section is to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape.

(b) **Standard**. No change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 3 horizontal to 1 vertical, within a distance of 20 feet from the property line, or which would alter existing drainage or topography as to adversely affect the adjoining property, except with the approval of the Plan Commission consistent with the procedures and requirements in Division 12 of Article 7.

In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion. If slopes up to 1½ horizontal to 1 vertical are approved by the Plan Commission, these slopes shall be protected against slippage and erosion by the use of retaining walls.

8-125 Erosion and sedimentation control

Any land-disturbing activity authorized by this chapter shall comply with applicable erosion control regulations as may be adopted by the City.

8-126 Stormwater control

Any land-disturbing activity authorized by this chapter shall comply with applicable stormwater management regulations as may be adopted by the City.

8-127 Noxious odors

In addition to any regulations relating to noxious odors in this chapter, all land uses shall comply with the standards for noxious odors in s. 11-6-3(h) of the municipal code.

8-128 Air pollution

In addition to any regulations relating to air pollution in this chapter, all land uses shall comply with the standards for air pollution in s. 11-6-3(1) of the municipal code.

8-129 Noise

In addition to any regulations relating to noise in this chapter, all land uses shall comply with the standards for noise in s. 11-2-6 of the municipal code.

8-130 Wastewater discharges

In addition to any regulations relating to wastewater discharges in this chapter, all land uses shall comply with the standards for wastewater discharges in s. 9-2-5(h) of the municipal code.

8-131 to 8-140 Reserved

DIVISION 7
GENERAL STANDARDS

Sections

8-141	Licensing with City	8-145	Compliance with building codes
8-142	Licensing with state agencies	8-146	Fire and explosions
8-143	Special provisions for residential land uses	8-147	Tree and shrub removal
8-144	Driveways		

8-141 Licensing with City

In addition to meeting the requirements contained in this article, land uses shall also meet any licensing requirements as may be established by the City.

8-142 Licensing with state agencies

If a land use or any related activity requires a license from the state, or its agent, to operate, such license shall be obtained prior to the establishment of such use and maintained for the life of the use or until the state, or its agent, no longer requires such license.

8-143 Special provisions for residential land uses

(a) **Use of a recreational vehicle for occupancy**. No mobile home or recreational vehicle shall be used for habitation for more than 14 days per calendar year with no more than 5 consecutive days.

(b) **On-site storage of a recreational vehicle**. No more than two recreational vehicles may be kept on a residential property. A recreational vehicle that is not stored within a building shall be licensed by the state of Wisconsin or any other state. A recreational vehicle shall not be stored in a building setback as established for the zoning district in which the parcel is located.

(c) **Parking of a commercial vehicle as an ancillary residential use**. One panel truck or one pickup truck that is used for business purposes and/or personal use may be parked on a residential property. Larger trucks may be allowed as a conditional use (See Exhibit 8-1).

(d) **Residential parking**. Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents, or for the temporary parking of guests.

(e) **Occupancy**. A dwelling unit shall not be occupied by more than one household unit.

(f) **Plumbing fixtures in detached accessory buildings**. A detached nonresidential building may have a toilet and a lavatory sink in a single room (i.e., a half-bath), and one sink. If the detached building is directly related to an outdoor swimming pool or an outdoor sauna, such building may also have a standup shower. Bath tubs are prohibited in all accessory buildings.

8-144 Driveways

(a) **Generally**. Every residence shall have a driveway that connects the dwelling unit to a public or private street. The driveway shall be suitable for automobile use, and provide adequate slope, width, and overhead clearance to allow uninhibited access by emergency vehicles and equipment.

(b) **Standards**. A driveway shall comply with the requirements set forth in Chapter 3 in Title 6 of the municipal code.

8-145 Compliance with building codes

A building shall comply with all applicable building codes for the intended use.

8-146 Fire and explosions

Any land use involving materials which could decompose by detonation shall be located at least 400 feet from a property in a residential or commercial zoning district or a planned development district, except that this standard shall not apply to the storage or usage for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices consistent with all fire prevention codes of the state of Wisconsin.

8-147 Tree and shrub removal

Within the R-1, R-2, and R-6 zoning districts, no more than 50 percent of the natural vegetation (cumulative) may be removed from a parcel for construction of a principal building, accessory buildings, driveway area, and containment areas and structures for pets and domestic livestock as may be allowed.

8-148 to 8-160 Reserved

DIVISION 8
SITE DESIGN

Sections

8-161	Legislative findings	8-163	General site design principles
8-162	Applicability	8-164	Specific design principles

8-161 Legislative findings

The Common Council makes the following legislative findings regarding the site design requirements in this chapter:

(1) The design and layout of a site, including principal and accessory buildings, pedestrian routes, parking areas, access drives, building service areas, docking and loading areas, outdoor lighting, signage, stormwater management facilities, and other site features, can have a substantial and long-lasting effect on the utility of the subject property and on surrounding properties and the overall character of a community.

(2) The requirements in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.

(3) The requirements in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

8-162 Applicability

Those land uses designated as requiring site plan review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

8-163 General site design principles

Development subject to review under this division shall adhere to the following design principles along with other requirements that may apply:

(1) A building shall be arranged on the site so as to not impede traffic accessibility and circulation to or from adjacent streets and adjoining sites developed with similar nonresidential uses.

(2) The front of the building shall be generally parallel to the street or a public area, such as a courtyard, plaza, or the like.

(3) Cross accesses shall be provided between adjoining commercial parcels whenever it is feasible to do so.

(4) A docking or loading area for a commercial, institutional, or industrial building shall be easily accessible to service vehicles, separated from the on-site parking area, and designed to serve multiple establishments and tenants, when possible. Such docking or loading area shall not be readily visible from a public street, an on-site customer parking area, or an abutting property in a commercial or residential district or a planned development district that allows residential uses. Screening from view may be accomplished by (a) integrating such area into the overall design of the building (e.g., inside of the building or use of architectural extension of a building wall), (b) using a fence; a berm; landscaping, above what is otherwise required in this chapter; other suitable feature; or (c) any combination thereof.

(5) Existing natural resources and topographic features on the site shall be preserved to the greatest extent possible while affording a reasonable use of the property.

(6) The project shall not create any hazard.

(7) The project shall be designed to avoid existing hazards, whether manmade or natural, and if avoidance is not possible, to mitigate the effects of the hazard to a satisfactory level necessary to protect the public health, safety, and welfare.

(8) Parking areas and pedestrian routes located on the site shall be designed to promote safety and efficient traffic flow.

8-164 Specific design requirements

In addition to the principles enumerated in this division, projects shall be designed to comply with all other development standards in this chapter that may apply.

8-165 to 8-180 Reserved

DIVISION 9
GENERAL ARCHITECTURAL STANDARDS

Sections

8-181	Legislative findings	8-183	Architectural standards
8-182	Applicability	8-184	Additional standards in the Downtown Design Overlay district

8-181 Legislative findings

The Common Council makes the following legislative findings regarding the architectural requirements in this article:

(1) The outward design appearance of a building can have a substantial and long-lasting effect on surrounding properties and the overall character of a community.

(2) Buildings and especially those within a largely developed area should fit into the context in which they occur.

(3) Architectural design standards should allow for a variety architectural styles and be flexible to the greatest extent possible.

(4) The standards in this section are intended to provide meaningful guidance to applicants, design professionals, and public officials.

(5) This section is not intended to limit or infringe upon reasonable accommodations to afford a person with disabilities equal opportunity to use and enjoy a building.

(6) The standards in this section are intended to promote the public health, safety, and welfare and are reasonably related to the public purpose of achieving an attractive, functional, and prosperous community.

8-182 Applicability

Those land uses designated as requiring architectural review in the land-use matrix (Exhibit 8-1) must comply with the requirements in this division.

8-183 Architectural standards

Buildings subject to review under this division shall comply with the following architectural standards:

(1) The scale of the building shall be compatible with the overall massing and the individual parts of adjacent buildings, especially existing and anticipated residential buildings in a residential zoning district or a planned development district that allows residential uses.

(2) Windows, doors, and other openings must form a unified composition in proportion to the building elevation.

(3) On any new building constructed for business or manufacturing use, all building exteriors facing a street or approved way shall have 50 percent of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or at least 25 percent of the that side wall distance, whichever is greater.

(4) Principal buildings with a front elevation of more than 750 square feet in area shall be divided into distinct planes of 500 square feet or less. The following design features can be used to meet this provision (1) canopies or awnings; (2) arcades; (3) porches; (4) vertical wall offsets having a minimum

depth of 8 inches and a minimum width of 10 feet; (5) horizontal offsets having a minimum depth of 2 feet; (6) pilasters having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height; (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and (8) other suitable multidimensional design features.

(5) Oversized fenestration elements which tend to create a monumental scale shall not be used unless specifically required by the type of building or relationship to its surroundings.

(6) Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes.

(7) The appearance of a side or rear of a commercial or institutional building shall be the same as or similar to the front of such building when it is readily visible from a public street or an abutting property in a commercial or residential zoning district or a planned development district that allows commercial and/or residential uses.

(8) Rooftop mechanical equipment shall be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building's architecture.

(9) Fencing shall complement the appearance of buildings onsite.

(10) The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building.

(11) Overhead doors shall not face a public street. The Plan Commission may permit overhead doors to face a public street, but only when it has made a finding that there is no feasible alternative location for such doors. Consistent with the requirements in Article 7, the Plan Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative.

(12) HVAC (heating, ventilating, air conditioning) equipment shall be screened from view. No HVAC shall create a noise level of more than 50 decibels as measured on a dB(A) scale at the nearest existing adjacent residence.

(13) When trash, garbage and recyclable materials are stored out-of-doors, such materials shall be concealed or suitably screened from public view. A brick or stone wall, wood fence, chain-link fence with slats, and/or landscaping shall be used to totally obstruct vision into the storage areas. Any wall, fence and gate, and/or vegetative screening shall be installed or erected to a height at least 1'- 6" above the highest point of the dumpster as generally depicted below.

8-184 Additional standards in the downtown design overlay district

Buildings located in the downtown design overlay district must comply with the requirements in Article 14.

8-185 to 8-200 Reserved

DIVISION 10
RESERVED

8-201 to 8-230 Reserved

DIVISION 11
SPECIFIC STANDARDS FOR PRINCIPAL LAND USES
(Series 1 to 16 in Land-Use Matrix)

Sections

Series 1. Agriculture

8-231 Agriculture, crop

8-232 Agriculture, general

8-233 Agriculture support services

8-234 Greenhouse

Series 2. Resource-Based Uses

8-241 Dam

8-242 Forestry

Series 3. Residential

8-251 Mixed-use housing

8-252 Multi-family building, 2 units

8-253 Multi-family building, 3 or more units

8-254 Single-family dwelling

8-255 Townhouse

8-256 Twin home

Series 4. Special Care Facilities

8-271 Adult family home

8-272 Community living arrangement

8-273 Foster home and treatment foster home

8-274 Group day care center

8-275 Hospice care center

8-276 Nursing home

8-277 Retirement home

8-278 Temporary residential shelter

Series 5. Group Accommodations

8-291 Campground

8-292 Overnight lodging

8-293 Resort

8-294 Tourist rooming house

Series 6. Food and Beverage Sales

8-301 Brewpub

8-302 Restaurant

8-303 Tavern

Series 7. Vehicle Rental, Sales and Services

8-311 Heavy vehicle sales and service

8-312 Vehicle fuel station

8-313 Vehicle repair shop

8-314 Vehicle sales and rental

8-315 Vehicle service shop

8-316 Vehicle storage yard

Series 8. General Sales

8-321 Convenience retail sales

8-322 General retail sales

8-323 Outdoor sales

Series 9. General Services

8-331 Administrative services

8-332 Body-piercing establishment

8-333 Commercial kennel

8-334 Commercial stable

8-335 Equipment rental, large

8-336 Equipment rental, small

8-337 Financial services

8-338 Funeral home

8-339 General repair

8-340 General services

8-341 Health care clinic

8-342 Health care center

8-343 Instructional services

8-344 Landscape business

8-345 Professional services

8-346 Tattoo establishment

8-347 Veterinary clinic, general

8-348 Veterinary clinic, small animal

Sections - continued

Series 10. Recreation and Entertainment	
8-361	Driving range
8-362	Golf course
8-363	Indoor entertainment
8-364	Indoor recreation
8-365	Indoor shooting range
8-366	Outdoor entertainment
8-367	Outdoor recreation
Series 11. Government and Community Services	
8-381	Administrative government center
8-382	Animal shelter
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8-388	Educational facility, post-secondary
8-389	Educational facility, pre-K through 12
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8-391	Park
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8-411	Radio broadcast facility
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8-414	Telecommunication collocation, class 1
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8-416	Telecommunication tower
8-417	Utility installation, major
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8-419	Utility maintenance yard
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8-431	Bus storage facility
8-432	Marina
8-433	Mass transit terminal
8-434	Park-and-ride lot
8-435	Off-site parking lot
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8-451	Boat yard
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8-473	Construction equipment repair
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8-476	Manufacturing
Series 16. Solid Waste	
8-491	Composting facility
8-492	Recycling center
8-493	Solid waste transfer station

Series 1. Agriculture

8-231 Agriculture, crop

(a) **Location**. The raising of crops may occur within required setbacks.

(b) **Buildings.** A building related to the raising of crops shall only be allowed in the R-1 zoning district.

8-232 Agriculture, general

(a) **Minimum lot area**. A minimum lot area of 6 acres is required for general agriculture.

(b) **Number of animals**. The number of animals shall not exceed one animal unit for each full acre using the animal unit factors in the Exhibit 8-12. The zoning administrator is authorized to determine an appropriate animal unit factor for any animal not listed in Exhibit 8-12. (See s. 8-538)

(c) **Animals not allowed**. The keeping of hogs, male goats, roosters, and fur-bearing animals, other than rabbits, is prohibited.

(d) **Location of new buildings**. A building that houses livestock or poultry shall not be located within a floodplain or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 75 feet to any property boundary line.

(e) **Fencing**. Any outdoor area where animals are allowed to pasture or run shall be adequately fenced and located at least 10 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-233 Agriculture support services

(a) **Generally**. Such use shall not be located in, or adjacent to, an existing or platted residential subdivision. If such use is established prior to insert effective date of code, the adjoining lands may be platted for residential subdivisions after that date.

(b) **Setbacks**. All buildings, structures, and outdoor storage areas shall be located at least 100 feet from all side and rear lot lines.

8-234 Greenhouse

Aside from generally applicable standards, no special standards apply to greenhouses.

8-235 to 8-240 Reserved

Series 2. Resource-Based Uses

8-241 Dam

(a) **State and federal compliance**. A dam shall comply with all state and federal rules and regulations.

(b) **Removal**. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.

(c) **Safety**. The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.

(d) **Unsafe conditions**. If it is determined that a dam is unsafe or otherwise defective, the zoning administrator shall follow the procedure outlined in Article 7 relating to unsafe conditions.

(e) **Termination of use**. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to the termination of an approval.

8-242 Forestry

(a) **Generally**. Aside from the requirements in s. 8-147, no special standards apply to forestry except as provided in this section.

(b) **Removal of a tree or shrub within a defined open space area in a development project**. Trees and shrubs within an area set aside as open space as part of a development project shall not be removed except as follows:

(1) A dead or dying tree or shrub may be removed when it poses a threat to public health and safety.

(2) The removal of trees and shrubs is done consistent with a landscape management plan as prepared by a registered landscape architect, an arborist, or a forester and as approved by the zoning administrator.

8-243 to 8-250 Reserved

Series 3. Residential

8-251 Mixed-use housing

Aside from generally applicable standards, no special standards apply to mixed-use housing.

8-252 Multi-family building, 2 units

(a) **Number of principal buildings per parcel**. No more than one 2-unit multi-family building shall occupy any single parcel of land.

(b) **Design and construction**. A 2-unit multi-family building shall meet the design and construction standards for a single-family dwelling under s. 8-254.

8-253 Multi-family building, 3 or more units

(a) **Number of principal buildings per parcel**. More than one multi-family building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) **Design and construction**. A multi-family building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under s. 8-254.

8-254 Single-family dwelling

(a) **Number of principal dwellings per parcel**. No more than one principal residential building shall occupy any single parcel of land.

(b) **Design and construction**. A single-family dwelling shall meet the following standards:

(1) The roof shall have a minimum pitch of 4 to 12, except when a flat roof is integral to the architectural style of the dwelling.

(2) Suitable roof coverings include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels.

(3) Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.

(4) An overhang shall extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).

(5) The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.

Consistent with the requirements in Article 7, the Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this subsection.

8-255 Townhouse

(a) **Lot area**. No more than 70 percent of the lot area shall be occupied by a building.

(b) **Utility service**. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.

(c) **Subsequent divisions**. Individual townhouses shall not be further subdivided.

(d) **Driveways**. When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.

(e) **Vertical off-sets**. When a building includes 5 or more dwelling units, there shall be a vertical offset of at least 2 feet between each adjoining dwelling unit.

(f) **Accessory buildings**. The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.

(g) **Front entrances**. The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

8-256 Twin home

(a) **Number of principal buildings per parcel**. No more than one dwelling unit shall occupy any single parcel of land.

(b) **Fire separation**. Each dwelling unit of a twin home shall be separated from the abutting unit by a fire wall meeting applicable building codes.

(c) **General layout**. The common wall between dwelling units in a twin home shall be approximately perpendicular to the front lot line.

(d) **Utility service**. Dwelling units in a twin home shall have separate utility meters for electric and natural gas if used. If municipal water and sewer are required under the municipal code, each of the dwelling units shall have separate service connections. If municipal water and sewer are not required under the municipal code, the dwelling units may be served by a single well and/or septic system if allowed by Bayfield County.

(e) **Written agreement required**. Dwelling units in a twin home shall be subject to a joint cross access and maintenance agreement as approved by the zoning administrator. Such agreement shall be recorded with each lot in the Bayfield County register of deeds office. The agreement shall also address the joint use of a well if the units are not served by a central water system and the use of a single on-site septic disposal system if the units are not served by separate septic systems.

8-257 to 8-270 Reserved

Series 4. Special Care Facilities

8-271 Adult family home

(a) **Occupancy**. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons as indicated in the required state license application.

(b) **Location**. An adult family home described in s. 50.01(l)(b), Wis. Stats., shall not be established within 2,500 feet of another such facility or any community living arrangement. An agent of a proposed adult family home may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception.[4] An adult family home certified under s. 50.032(1m)(b), Wis. Stats., is exempt from this provision.[5]

[4] Commentary: See s. 56.69(15)(br)(1), Wis. Stats.
[5] Commentary: See s. 59.69(15)(br)(2), Wis. Stats.

8-272 Community living arrangement

(a) **State license.** Prior to the establishment of a community living arrangement, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.[6]

(b) **Occupancy**. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons as indicated in the required state license application.

(c) **Location**. A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Common Council and if both facilities comprise essential components of a single program.[7] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under s. 48.62, Wis. Stats., are exempt from this requirement.

(d) **Advisory committee**. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant shall make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., or s. 50.03(4)(g), Wis. Stats., as applicable.

8-273 Foster home and treatment foster home

(a) **State license.** Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Proximity to other such facility**. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in s. 157.061(15), Wis. Stats., an association, or a public agency, shall not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception.[8]

8-274 Group day care center

(a) **Outdoor activity areas**. An outdoor activity area associated with a group day care center shall not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

(b) **Required green space**. If a group day care center is not located in a commercial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

8-275 Hospice care center

(a) **State license**. Prior to the establishment of a hospice care center, the operator shall obtain a license from the state as provided for in s. 50.92, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Required green space**. If a hospice care center is not located in a commercial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

8-276 Nursing home

(a) **State license**. Prior to the establishment of a nursing home, the operator shall obtain a license from the state as provided for in s. 50.02, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Required green space**. If a nursing home is located is not located in a commercial zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

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[6] Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code
[7] Commentary: See s. 59.69(15)(a), Wis. Stats.
[8] Commentary: See s. 59.69(15)(bm), Wis. Stats.

(c) **Parking lot screening**. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(d) **Setbacks**. Principal buildings shall be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-277 Retirement home

(a) **Required green space**. If a retirement home is not located in a commercial zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

(b) **Parking lot screening**. If an off-street parking lot is located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.

(c) **Setbacks**. Principal buildings shall be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-278 Temporary residential shelter

(a) **Requirements for operator**. A temporary residential shelter shall be managed by an organization operating a program approved by the state of Wisconsin pursuant to ch. 51, Wis. Stats., and all relevant administrative rules including chs. DHS 72, DHS 75, and DHS 94, Wis. Admin. Code.

(b) **Other approvals**. A temporary residential shelter shall be approved by all applicable government entities having authority under law to license or authorize the operation.

(c) **Number of residents**. The number of residents at a temporary residential shelter shall not exceed 15 occupants at one time.

8-279 to 8-290 Reserved

Series 5. Group Accommodations

8-291 Campground

(a) **State permit.** Prior to the establishment of a campground, the operator shall obtain a campground permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[9]

(b) **Minimum lot area.** A minimum lot area of 7 acres is required for a campground.

(c) **Density**. The density shall not exceed 15 campground spaces per net acre.

(d) **Required green space**. A minimum of 50 percent of the parcel must consist of noninvasive vegetation (e.g., grass, flowers, shrubs, or trees) that is set apart for recreational or aesthetic purposes.

(e) **Accessory facilities**. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by non-occupants.

(f) **Access**. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(g) **Setback from lot line**. A campground space shall be no closer than 40 feet to the perimeter lot line of the site.

(h) **Limitation on addition of features**. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, are prohibited within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, are prohibited. Raised tent platforms are permitted.

[9] Commentary: See ch. DHS 178, Wis. Admin. Code

(i) **Solid waste collection**. An off-street area for the collection of solid waste (trash) shall be provided within a campground.

(j) **Continuing maintenance**. The owner of the campground shall maintain the campground in a clean and sanitary manner.

8-292 Overnight lodging

(a) **State permit.** Prior to the establishment of overnight lodging, the operator shall obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[10]

(b) **Location of entrance**. A customer entrance to an overnight lodging facility that is located on the side or rear of the building shall not be located within 100 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

8-293 Resort

(a) **State permit**. Prior to the establishment of a resort, the operator shall obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[11]

(b) **Minimum lot area.** A minimum lot area of 5 acres is required for a resort.

(c) **Required green space**. A minimum of 50 percent of the parcel must consist of noninvasive vegetation (e.g., grass, flowers, shrubs, or trees) that is set apart for recreational or aesthetic purposes.

(d) **Special dimensional standards**. Club houses and similar buildings, lodging facilities, and maintenance buildings with a floor area exceeding 1,200 square feet shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(e) **Water and sewer service**. A resort must be connected to the city's water and sewer system.

8-294 Tourist rooming house

(a) **State permit**. Prior to the establishment of a tourist rooming house, the operator shall obtain a tourist rooming house permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[12]

(b) **Display of permit**. The operator shall display the current tourist rooming house permit in a conspicuous location inside the tourist rooming house.

(c) **Accommodations tax**. Prior to the establishment of a tourist rooming house, the operator shall obtain a permit issued pursuant to s. 3-4-2(c) of the municipal code for the purpose of collecting any accommodations tax as may be adopted by the City.

(d) **Registry**. The operator of the tourist rooming house shall keep an accurate register showing the names of all guests. This registry shall be kept on file for a period of one year and shall be available for inspection by city officials at any time upon request.

(e) **Agent**. The operator of a tourist rooming house shall name one or more agents, who shall be responsible for the management of the property and who will serve as the primary point of contact. An agent must reside within 5 miles of the subject property. In the event a different agent is named, a revised permit application shall be filed with the City Clerk no less than 5 business days prior to the effective date of the change in agent(s). Nothing herein shall be construed as to prohibit the property owner from being named as an agent so long as he or she resides in the City.

(f) **Building codes**. Prior to the establishment of a tourist rooming house or the expansion of an existing tourist rooming house, the building inspector shall certify that the dwelling meets all applicable building code requirements.

(g) **Signage**. Signage for a tourist rooming house shall comply with all applicable requirements set forth in Article 18.

[10] Commentary: See ch. DHS 195, Wis. Admin. Code
[11] Commentary: See ch. DHS 195, Wis. Admin. Code
[12] Commentary: See ch. DHS 195, Wis. Admin. Code

8-295 to 8-300 Reserved

Series 6. Food and Beverage Sales

8-301 Brewpub

(a) **State permit.** Prior to the establishment of a brewpub, the operator shall obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[13] In addition, the operator shall obtain a brewpub permit from the Wisconsin Department of Revenue, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[14]

(b) **Location of entrance**. A customer entrance to a brewpub that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.

(c) **Limitation on floor area devoted to production.** No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.

(d) **Limitation on production**. Not more than 10,000 barrels (310,000 gallons) of fermented malt beverages may be manufactured in a calendar year.

8-302 Restaurant

(a) **State permit**. Prior to the establishment of a restaurant, the operator shall obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.[15]

(b) **Location of entrance**. A customer entrance to a restaurant that is located on the side or rear of the building shall not be located within 100 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

8-303 Tavern

(a) **Local license.** Prior to the establishment of a tavern, the operator shall obtain a license from the city and maintain such license for the life of the use or until the license is no longer required.

(b) **Compliance with state requirements**. A tavern shall comply with requirements as may be adopted by the state of Wisconsin.

(c) **Location of entrance**. A customer entrance to a tavern that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

8-304 to 8-310 Reserved

Series 7. Vehicle Rental, Sales, and Service

8-311 Heavy vehicle sales and service

Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.

[13] Commentary: See ch. DHS 196, Wis. Admin. Code
[14] Commentary: See ch. 125, Wis. Stats
[15] Commentary: See ch. DHS 196, Wis. Admin. Code

8-312 Vehicle fuel station

(a) **Restroom facilities**. If a vehicle fuel station provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.

(b) **Pump island canopies**. A pump island canopy shall not exceed 22 feet in height.

(c) **Special setbacks**. The following setbacks shall apply to a vehicle fuel station:

(1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district.

(2) A pump island canopy shall comply with the following setbacks: 10 feet for a front yard, 20 feet for a side yard, and 20 feet for a rear yard.

(d) **Surface**. All vehicle use areas shall be concrete or a bituminous material capable of supporting a 4-ton axle load.

8-313 Vehicle repair shop

(a) **Work area**. Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district.

(b) **Vehicle storage**. When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is prohibited.

8-314 Vehicle sales and rental

(a) **State license.** Prior to the establishment of this use, the operator shall obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain such license for the life of the use or until the state no longer requires such license.[16]

(b) **Show room**. An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.[17]

(c) **Setback for display area.** Display areas and other activity areas shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.

(d) **Junk vehicles**. Junk vehicles and inoperable vehicles hall not be displayed out-of-doors.

8-315 Vehicle service shop

Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, except when this use is located in an industrial zoning district.

8-316 Vehicle storage yard

(a) **Buffer yard**. The reviewing authority may, as part of the site plan review process, require fencing, landscaping, or both to provide adequate screening between a vehicle storage yard and adjoining properties.

(b) **Setback requirements**. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial or mixed-use zoning district.

(c) **Fence**. A 6-foot solid fence, subject to approval by the reviewing authority, shall be located around the perimeter of the area used to store the motor vehicles.

(d) **Fence plan**. As part of the site plan review application, the applicant shall submit a fence plan which specifies construction materials and specifications.

[16] Commentary: See s. ch. 218, Wis. Stats.
[17] Commentary: See s. TRANS 138.03(a), Wis. Admin. Code

8-317 to 8-320 Reserved

Series 8. General Sales

8-321 Convenience retail sales

Aside from generally applicable standards, no special standards apply to convenience retail sales.

8-322 General retail sales

Aside from generally applicable standards, no special standards apply to general retail sales.

8-323 Outdoor sales

(a) **Hours of operation**. The hours of operation for outdoor sales shall comply with those hours as approved through the plan of operation review process, taking into account surrounding land uses.

(b) **Location**. Display areas shall not be located in setback areas established for principal buildings.

8-324 to 8-330 Reserved

Series 9. General Services

8-331 Administrative services

Aside from generally applicable standards, no special standards apply to administrative services.

8-332 Body-piercing establishment

(a) **State license.** Prior to the establishment of a body-piercing establishment, the operator shall obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such license.[18] In addition, each practitioner shall obtain a license from the department as required by state law and maintain such license while at the establishment or until the state no longer requires such license.[19]

(b) **Locational standards**. A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the exterior wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(c) **Building standards**. A patron who is being pierced shall not be visible from the exterior of the building through a window or entrance to the building.

(d) **Alcohol beverages prohibited**. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.

8-333 Commercial kennel

(a) **Buildings**. Any building used to house animals shall be at least 50 feet from a residential zoning district or a planned development district that allows residential uses. Any outdoor area where animals may be kept shall be at least 100 feet from a residential zoning district or a planned development district that allows residential uses.

[18] Commentary: See s. 252.24, Wis. Stats.
[19] Commentary: See s. 252.24, Wis. Stats.

(b) **Special events**. Special events related to a commercial kennel, such as dog shows, exhibitions, field trials, and contests, may be permitted subject to the requirements in s. 8-611.

8-334 Commercial stable

(a) **Minimum lot area**. A minimum lot area of 5 acres is required for a commercial stable.

(b) **Buildings**. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed provided they comply with all other requirements of the zoning district in which the subject property is located.

(c) **Location of new buildings**. A building that houses livestock, shall not be located within a floodplain, or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 50 feet to any property boundary line.

(d) **Manure management**. As part of the site plan/operation plan review process, the handling and disposal of animal waste generated by a commercial stable shall be addressed.

(e) **Number of animals**. The Plan Commission may recommend and the Common Council may establish a limitation on the maximum number of animals based on site conditions, surrounding land uses, and preparation of an acceptable manure management plan.

(f) **Special events**. Special events related to a commercial stable, such as horse shows, exhibitions, and contests, may be permitted subject to the requirements in s. 8-611.

8-335 Equipment rental, large

(a) **Outdoor display and storage areas**. Outdoor display and storage areas and other activity areas shall be located at least 50 feet from a residential zoning district or a planned development district that allows residential uses and 10 feet from a commercial zoning district.

(b) **Control of fugitive dust**. As part of the site plan/plan of operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-336 Equipment rental, small

As part of the site plan/plan of operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-337 Financial services

A payday loan business or auto title loan business shall not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest lot line of a parcel in the specified zoning district. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section. If a payday loan business or auto title loan business is operating on January 1, 2011 and does not comply with the locational standards in this section, such business may continue to operate at that location.[20]

8-338 Funeral home

Aside from generally applicable standards, no special standards apply to funeral homes.

8-339 General repair

All activities related to this use shall occur within a building, except when the parcel of land is located in an industrial zoning district.

[20] Commentary: See s. 59.69(4h), Wis. Stats.

8-340 General services

Aside from generally applicable standards, no special standards apply to general services.

8-341 Health care clinic

Aside from generally applicable standards, no special standards apply to health care clinics.

8-342 Health care center

(a) **Access requirements**. The primary access to a health care center shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Transition when allowed as a conditional use**. When a health care center is allowed as a conditional use, an appropriate transition shall be required between this use and an adjoining use.

8-343 Instructional services

Aside from generally applicable standards, no special standards apply to instructional services.

8-344 Landscape business

(a) **Limitation on features in setbacks**. Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.

(b) **Control of fugitive dust**. As part of the site plan/plan of operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-345 Professional services

Aside from generally applicable standards, no special standards apply to professional services.

8-346 Tattoo establishment

(a) **State license.** Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such license.[21] In addition, each practitioner shall obtain a license from the department as required by state law and maintain such license while at the establishment or until the department no longer requires such license.[22]

(b) **Locational standards**. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this section, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(c) **Building standards**. A patron who is being tattooed shall not be visible from the exterior of the building through any window or entrance to the building.

(d) **Alcohol beverages prohibited**. A tattoo establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.

8-347 Veterinary clinic, general

(a) **Minimum lot area**. When a veterinary clinic keeps large animals onsite for treatment and the clinic is located in a residential zoning district, a minimum lot area of 5 acres is required.

[21] Commentary: See s. 252.23, Wis. Stats.
[22] Commentary: See s. 252.23, Wis. Stats.

(b) **Placement of features**. Any building used to house animals shall be at least 50 feet from a residential zoning district. Any outdoor area where animals may be kept shall be at least 100 feet from a residential zoning district or a planned development district that allows residential uses.

8-348 Veterinary clinic, small animal

Aside from generally applicable standards, no special standards apply to small animal veterinary clinics.

8-349 to 8-360 Reserved

Series 10. Recreation and Entertainment

8-361 Driving range

The reviewing authority may require the operator to install fencing when deemed necessary to protect the public health, safety, and welfare.

8-362 Golf course

(a) **Minimum lot area.** A minimum lot area of 15 acres is required for a golf course.

(b) **Locational standards**. Club houses and maintenance buildings with a floor area exceeding 1,200 square feet shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(c) **Fertilizer and pesticide control plan**. A fertilizer and pesticide control plan must be included in the submittal for a plan of operation.

8-363 Indoor entertainment

Aside from generally applicable standards, no special standards apply to indoor entertainment.

8-364 Indoor recreation

Aside from generally applicable standards, no special standards apply to indoor recreation.

8-365 Indoor shooting range

(a) **Compliance with state and federal requirements**. An indoor shooting range shall comply with all applicable state and federal standards, including those relating to environmental protection and occupational health and safety.

(b) **Design specifications**. A professional architect or engineer with demonstrated experience in indoor shooting range design shall submit documentary evidence establishing the type and caliber of ammunition the range is designed to confine in a safe and controlled manner. Design specifications may be derived from *Range Design Criteria* published by the U.S. Department of Energy, Office of Health, Safety and Security; *The Range Source Book* published by the National Rifle Association of America; or any other similar authoritative source.

(c) **Ammunition**. No ammunition shall be used within the indoor shooting range that exceeds the certified design and construction specifications.

(d) **Adoption of rules and procedures**. The operator of the indoor shooting range shall establish and enforce clear rules and procedures for the safe operation of the range. Such rules and regulations shall include the operational standards contained in this section and those adopted by the state or federal government, and accepted industry practices, including those derived from the sources identified in subsection (b) above. Such rules shall be conspicuously displayed inside of the indoor shooting range.

(e) **Security plan**. A security plan shall be established for the building securing the building from unauthorized entrants.

(f) **Storage of guns**. All firearms stored on the premises must be stored in a gun safe or other secure storage facility or container approved by the Chief of Police.

(g) **Enforcement of adopted rules and procedures**. At least one adult who is an experienced shooting range operator shall be present to manage the operation of the indoor shooting range when it is being used. The shooting range operator shall take reasonable actions to ensure that employees and patrons comply with the rules and procedures governing the operation of the indoor shooting range.

(h) **Minors**. No person under the age of 18 shall be permitted inside of the indoor shooting range unless accompanied by an adult at all times. A minor participating in a firearms safety class supervised by a qualified adult instructor shall be deemed to be accompanied by an adult.

(i) **Additional requirements**. Unless preempted by state or federal law, the Plan Commission may recommend and the Common Council may impose additional conditions or requirements including reporting or inspection requirements if it determines such conditions or requirements are reasonably necessary to protect the public health, safety, and welfare. Consideration shall be given to the cost and burden of such additional requirements upon the operation of the indoor shooting range and upon City resources compared to the additional public benefit to be achieved, industry practices, and evidence of experiences with similar operations in other communities.

(j) **Additional criteria for conditional use reviews**. In those instances where an indoor shooting range is allowed as a conditional use, potential nuisances to the surrounding area related to air quality and noise shall be considered during the review process in addition to those criteria used to evaluate conditional uses.

8-366 Outdoor entertainment

(a) **Hours of operation**. The Plan Commission may recommend and the Common Council may establish hours of operation for this use when the operation may negatively affect surrounding properties.

(b) **Site design considerations**. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

(c) **Locational standards**. Activity areas shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-367 Outdoor recreation

(a) **Hours of operation**. The Plan Commission may recommend and the Common Council may establish hours of operation for this use when the operation may negatively affect surrounding properties.

(b) **Site design considerations**. The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

(c) **Locational standards**. Activity areas shall be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-368 to 8-380 Reserved

Series 11. Government and Community Services

8-381 Administrative government center

Aside from generally applicable standards, no special standards apply to administrative government centers.

8-382 Animal shelter

(a) **Confinement of animals**. All animals shall be continuously confined within an enclosed building except as provided in this section. In an industrial zoning district an animal shelter may have a fenced exercise area provided:

(1) it is at least 200 feet from a property in a residential zoning district, a planned development district that allows residential uses, or a mixed-use zoning district,

(2) no animal shall be allowed in the exercise area from sunset to sunrise, and

(3) the noise from animals kept in the exercise area shall comply with any noise regulations adopted by the City.

(b) **Noise control**. The building shall be designed and operated so that noise from the animals at the facility cannot be heard beyond the property boundary line of the parcel of land on which it is located.

(c) **Required open space**. If an animal shelter is not located in a commercial or industrial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

8-383 Cemetery

(a) **Minimum size**. A cemetery shall be at least 10 acres without a public mausoleum or at least 20 acres with a public mausoleum.[23]

(b) **Location of burial plots**. Burial plots shall not be located within 20 feet of a property boundary line or a proposed right-of-way so designated on a highway width map as may be adopted by Bayfield County, in a designated floodplain, or in a wetland area; nor shall internment occur below the groundwater table.

(c) **Location of mausoleums**. Private mausoleums shall be located at least 20 feet from a property boundary line. Public mausoleums shall comply with the building setback requirements for principal buildings of the zoning district in which this use is located.

(d) **Marker required**. A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot unless the zoning administrator allows an unmarked grave due to exceptional circumstances.

(e) **Name required**. The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.

(f) **Financial guarantee**. Prior to the establishment of this use, the property owner shall submit a financial guarantee to the city pursuant to the requirements in Division 4 of Article 6 of this code, consistent with any requirement the Common Council may adopt. This financial guarantee shall relate to the long-term upkeep of the cemetery.

(g) **Compliance with state law**. A cemetery shall comply with all requirements set forth in subch. II of ch. 157, Wis. Stats.

8-384 Civic use facility

The primary access to a civic use facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

8-385 Community center

The primary access to a community center with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

8-386 Community cultural facility

The primary access to a community cultural facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

8-387 Community garden

(a) **Generally**. The following structures/uses are generally permitted in community gardens subject to the review and approval of the Plan Commission through the site review process: tool sheds, shade pavilions, rest-room facilities with composting toilets, indoor work areas, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, and children's play areas. All such structures/uses shall comply with the setback provisions for principal buildings of the zoning district in which this use is located.

(b) **Signage**. Signage for a community garden shall comply with all special standards set forth in Article 18.

8-388 Educational facility, post-secondary

(a) **Access requirements**. The primary access to a post-secondary educational facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

[23] Commentary: See s. 157.129, Wis. Stats.

(b) **Required open space**. If an educational facility, post secondary, is not located in a commercial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

8-389 Educational facility, pre-K through 12

(a) **Temporary buildings**. A temporary building may used as a classroom when an existing facility is being renovated or when school enrollment exceeds the capacity of the existing facility, provided such building complies with all building code requirements.

(b) **Required open space**. If an educational facility, pre-K through 12, is not located in a commercial or industrial zoning district, a minimum of 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

8-390 Maintenance garage

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial zoning district.

8-391 Park

Aside from generally applicable standards, no special standards apply to parks.

8-392 Public safety facility

Aside from generally applicable standards, no special standards apply to public safety facilities.

8-393 Recreation trail

Aside from generally applicable standards, no special standards apply to recreation trails.

8-394 Worship facility

(a) **Required green space**. If a worship facility is located in a residential zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).

(b) **Access requirements**. If a worship facility has 600 seats or more, the primary access shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(c) **Limitations on events and functions**. No event or function shall be conducted that creates a demand for parking spaces that is greater than the number provided on site, unless parking is allowed on the public road fronting on the site.

8-395 to 8-410 Reserved

Series 12. Telecommunications and Utilities

8-411 Radio broadcast facility

(a) **Legislative findings.** The Common Council makes the following legislative findings with regard to radio broadcast facilities:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(K)) that imposed limits on local municipalities with respect to regulating radio broadcast facilities within their jurisdictions.

(2) The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed radio broadcast facilities.

(3) The regulations in this section are intended to accomplish the following purposes, to the fullest extent permitted by law:

(i) protect the visual character of the city from the potential adverse effects of radio broadcast facilities; and

(ii) avoid damage to adjoining properties by establishing setback standards.

(b) **Federal requirements.** A radio broadcast facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate radio broadcast facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(c) **Single parcel**. The fall zone and all structures related to the radio broadcast facility shall be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(d) **Fall zone and other setbacks**. To ensure the fall zone for the tower is located entirely on the subject property, the center of the tower shall not be located closer to a property boundary line than height of the tower. If an applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone shall be the smaller calculated area, unless the city provides the applicant with substantial evidence that the engineering certification is flawed. In all cases, the tower and equipment compound and any related buildings shall be located no closer to a property boundary line than 50 feet or the setback requirements for the zoning district, whichever is greater. The fence around anchor points for a guyed tower shall be located at least 25 feet from a property boundary line.

(e) **Security fencing**. A tower and related equipment compound (but not buildings for offices or production), shall be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points shall be enclosed by a security fence.

(f) **Lighting**. A tower or any attachment shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views.

(g) **Equipment buildings**. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet shall be covered with building materials typically used on buildings found in the area.

(h) **Emergency power system**. A backup generator may be placed within the equipment compound.

(i) **Landscaping**. Landscaping shall be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the plan commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the plan commission may waive this landscape requirement or defer the requirement to a later date.

(j) **Lease agreement**. If the operator of the radio broadcast facility does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. (l) and (m) of this section.

(k) **Ongoing maintenance**. The subject property shall be maintained and kept in a good condition, so as not to become a nuisance as determined by the plan commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(l) **Termination of approval**. If the zoning administrator determines that the radio broadcast facility is unsafe or otherwise defective or that the radio broadcast facility has not been operating a for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to termination of the approval. Within 90 days after the date of termination, the property owner shall remove the radio broadcast facility and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the city shall have the right to use the financial guarantee as required by this section to pay for such work.

(m) **Financial guarantee**. Prior to issuance of a building permit authorizing construction of a radio broadcast facility, the applicant shall submit a financial guarantee to the city pursuant to the requirements in Division 4 of Article 6 of this code in the amount of $20,000.00.[24] The financial guarantee shall be held until the radio broadcast facility is removed and the site restored to the satisfaction of the zoning administrator.

(n) **Third party consultant**. The zoning administrator may, at the applicant's expense, hire a third party consultant to conduct an objective analysis of the submitted materials including the application and calculation of the fall zone. The third party consultant may not charge the applicant for any travel expenses incurred in such review.

[24] Commentary: See s. 66.0404(4)(f), Wis. Stats.

(o) **Duration of approval**. The approval authorizing a radio broadcast facility shall run with the land and shall be binding on successors in interest.

8-412 Solar power plant

(a) **Minimum lot area**. A minimum lot area of 3 acres is required for a solar power plant.

(b) **Setbacks**. Solar panels and other related structures shall not be located within the building setback area. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

(c) **Security fencing**. With approval of the Plan Commission, a security fence (height and material to be established through the site plan review process) may be placed around the perimeter of the solar power plant. If a security fences is installed, knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(d) **Identification sign**. An identification sign no larger than 18 inches by 24 inches shall be placed in a visible location near the primary entrance of the site that lists (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

(e) **Warning signs**. Appropriate warning signage may be placed at the entrance and around the perimeter of the solar power plant project as approved through the site plan review process.

(f) **Electric power lines**. Power lines within a solar power plant shall be placed underground, except that power lines that leave the project site may be overhead.

(g) **Approval by electric utility company**. The owner/operator shall submit documentation acceptable to the zoning administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(h) **Landscaping**. As part of the site plan review process the Plan Commission shall require appropriate landscaping and/or other screening materials to help screen the solar power plant from public right-of-ways and neighboring residences. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive this landscape requirement or defer the requirement to a later date.

(i) **Outdoor lighting**. Lighting of the solar power plant and accessory structures shall be limited to the minimum necessary for site security.

(j) **Lease agreement**. If the operator of the solar power plant does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. (l) and (m) of this section.

(k) **Ongoing maintenance**. The solar power plant shall be properly maintained and kept in a good condition, so as not to become a nuisance. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(l) **Termination of approval**. If the zoning administrator determines that the solar power plant is unsafe or otherwise defective or that the site has not produced any electricity for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to termination of the approval. Within 90 days after termination, the property owner shall remove the solar power plant and all related equipment and improvements and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the 90-day period, the city shall have the right to use the financial guarantee as required by this section to pay for such work.

(m) **Financial guarantee**. Prior to issuance of a building permit authorizing construction of a solar power plant, the applicant shall submit a financial guarantee to the city pursuant to the requirements in Division 4 of Article 6 of this code in the amount of $20,000.00.[25] The financial guarantee shall be held until the solar power plant and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

[25] Commentary: See s. 66.0404(4)(f), Wis. Stats.

8-413 Stormwater facility

A stormwater facility shall be designed to meet any requirements in the municipal code.

8-414 Telecommunication collocation (Class 1)

Aside from generally applicable standards, no special standards apply to a Class 1 telecommunication collocation.

8-415 Telecommunication collocation (Class 2)

Aside from generally applicable standards, no special standards apply to a Class 2 telecommunication collocation.

8-416 Telecommunication tower

(a) **Legislative findings.** The Common Council makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(l)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.

(2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.[26]

(3) The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.

(4) The regulations in this section are intended to accomplish the following purposes, to the fullest extent permitted by law:

(i) protect the visual character of the city from the potential adverse effects of telecommunication facilities;

(ii) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided;

(iii) create and preserve telecommunication facilities that will serve as an important and effective part of the citys emergency response network;

(iv) minimize the number of towers by requiring collocation; and

(v) avoid damage to adjoining properties by establishing setback standards.

(b) **Federal requirements.** A telecommunication tower shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(c) **Single parcel**. The fall zone and all structures related to the telecommunication facility shall be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(d) **Fall zone and other setbacks**. To ensure the fall zone for the tower is located entirely on the subject property, the center of the tower shall not be located closer to a property boundary line than height of the tower. If an applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone shall be the smaller calculated area, unless the city provides the applicant with substantial evidence that the engineering certification is flawed.[27] In all cases, the tower and equipment compound shall be located no closer to a property boundary line than 50 feet or the setback requirements for the zoning district, whichever is greater. The fence around anchor points for a guyed tower shall be located at least 25 feet from a property boundary line.

(e) **Security fencing**. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, shall be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points shall be enclosed by a security fence.

[26] Commentary: In particular see s. 704 of the act.
[27] Commentary: See s. 66.0404(2)(g), Wis. Stats.

(f) **Lighting**. A tower or any attachment shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting shall be the least obtrusive to the surrounding views.

(g) **Equipment buildings**. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet shall be covered with building materials typically used on buildings found in the area.

(h) **Emergency power system**. A backup generator may be placed within the equipment compound.[28]

Exhibit 8-9. An example of appropriate tower signage placed on the security fence

(i) **Identification sign**. An identification sign no larger than 18 inches by 24 inches shall be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency. Exhibit 8-9 is an example of a sign that provides the necessary information.

(j) **Accommodation of other users on new towers (collocation)**. A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, shall accommodate at least two additional users, unless the zoning administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest shall allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the plan commission determines the tower operator has made access to the tower and tower site unfeasible, the zoning administrator shall notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower shall become null and void and the tower shall be removed and the site restored within 90 days of such determination.

(k) **Requirement for collocation**. A new tower shall only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.[29] If the applicant does not provide such analysis and sworn statement, the application for a new tower shall be denied.[30]

(l) **Reserved.**

(m) **Landscaping**. Landscaping shall be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the plan commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the plan commission may waive this landscape requirement or defer the requirement to a later date.

(n) **Lease agreement**. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. (p) and (q) of this section.

(o) **Ongoing maintenance**. The subject property shall be maintained and kept in a good condition, so as not to become a nuisance as determined by the plan commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site shall be kept clear of junk and debris.

(p) **Termination of approval**. If the zoning administrator determines that the tower is unsafe or otherwise defective or that the tower has not hosted an operational antenna for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to termination of the approval. Within 90 days after the date of termination, the property owner shall remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the city shall have the right to use the financial guarantee as required by this section to pay for such work.

[28] Commentary: See s. 66.0404(4)(j), Wis. Stats.
[29] Commentary: See s. 66.0404(2)(b)6, Wis. Stats.
[30] Commentary: See s. 66.0404(2)(e), Wis. Stats.

(q) **Financial guarantee**. Prior to issuance of a building permit authorizing construction of a tower, the applicant shall submit a financial guarantee to the city pursuant to the requirements in Division 4 of Article 6 of this code in the amount of $20,000.00.[31] The financial guarantee shall be held until the tower and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(r) **Third party consultant**. The zoning administrator may, at the applicant's expense, hire a third party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third party consultant may not charge the applicant for any travel expenses incurred in such review.[32]

(s) **Duration of approval**. The approval authorizing a telecommunication tower shall run with the land and shall be binding on successors in interest.[33]

8-417 Utility installation, major

If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building shall be compatible with residential buildings in regard to design and exterior materials.

8-418 Utility installation, minor

Aside from generally applicable standards, no special standards apply to minor utility installations.

8-419 Utility maintenance yard

(a) **Outdoor storage**. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(b) **Control of fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-420 to 8-430 Reserved

Series 13. Transportation

8-431 Bus storage facility

(a) **Outdoor storage**. Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(b) **Control of fugitive dust**. As part of the site plan and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-432 Marina

Aside from generally applicable standards, no special standards apply to marinas.

8-433 Mass transit terminal

The primary access to a mass transit terminal shall be located in close proximity to a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

8-434 Off-site parking lot

Aside from generally applicable standards, no special standards apply to off-site parking lots.

[31] Commentary: See s. 66.0404(4)(f), Wis. Stats.
[32] Commentary: See s. 66.0404(4)(f), Wis. Stats.
[33] Commentary: See s. 66.0404(4)(n), Wis. Stats.

8-435 Park-and-ride lot

The primary access to a park-and-ride lot shall be located in close proximity to a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

8-436 Street

Aside from generally applicable standards, no special standards apply to streets.

8-437 to 8-450 Reserved

Series 14. General Storage

8-451 Boat yard

No portion of a boat yard shall be located within a setback for the zoning district in which the use is located.

8-452 Indoor boat storage

No special standards apply to indoor boat storage.

8-453 Personal storage facility

(a) **Minimum lot area**. A minimum lot area of one acre (43,560 square feet) is required for a personal storage facility.

(b) **Access**. Access to a cubicle shall not open directly onto a public road right-of-way.

(c) **Control of fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

(d) **Storage of prohibited substances**. No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

(e) **Uses**. Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.

(f) **Fencing of outdoor storage area**. An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence as approved by the Plan Commission through the site review process.

(g) **Setback of outdoor storage area**. Outdoor storage areas shall comply with the setback standards for the zoning district in which the use is located.

8-454 Truck terminal

(a) **Setback of outdoor storage area**. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(b) **Control of fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use shall be addressed.

(c) **Access**. A truck terminal shall have legal and physical access to a road designated as a truck route.

8-455 Warehouse

(a) **Setback of outdoor storage area**. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(b) **Control of fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

(c) **Access**. A warehouse shall have legal and physical access to a road designated as a truck route.

8-456 to 8-470 Reserved

Series 15. Industrial

8-471 Artisan shop, Type I

No special standards apply to an artisan shop, Type I.

8-472 Artisan shop, Type II

No special standards apply to an artisan shop, Type II.

8-473 Construction equipment repair

Outdoor storage areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district. When allowed in a commercial zoning district, all repair work shall occur within an enclosed building. When allowed in an industrial zoning district, repair work may be conducted out-of-doors.

8-474 Construction equipment sales and rental

Display areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.

8-475 Contractor yard

(a) **Limitations on equipment**. There are no limitations on the number of trucks, trailers, or other heavy equipment.

(b) **Storage of material**. When a contractor yard is located next to a parcel in a residential or commercial zoning district, exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot fence and such materials shall not be placed higher than the height of the fence.

(c) **Control of fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-476 Manufacturing

(a) **Restriction on location of manufacturing processes**. All manufacturing processes shall be conducted entirely within the confines of a building.

(b) **Location of outdoor activity areas**. Outdoor activity areas shall be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-477 to 8-490 Reserved

Series 16. Solid Waste

8-491 Composting facility

(a) **Legislative intent.** A composting facility, if not properly designed and operated, has the potential to cause negative impacts to the natural environment, including water resources, and be harmful to the safety and general welfare of the City and its citizens. This section is therefore intended to define basic requirements necessary to protect the public while providing waste alternatives and promoting sustainability within the community.

(b) **Compliance with other requirements**. In addition to meeting the requirements in this section, a composting facility shall comply with all county, state, and federal regulations that may apply, including s. NR 502.12, Wis. Admin. Code.

(c) **Distance to specified features**. A composting facility shall not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

(d) **Setbacks**. All buildings, structures, and activity areas shall be located at least 100 feet from the perimeter of the site.

(e) **Location**. No portion of a composting facility used for storing compostable materials or composted materials or processing of compostable materials shall be located within an area determined to be within a 100-year floodplain.

(f) **Maximum capacity**. The reviewing authority may establish the maximum amount of compostable materials that may be stored and processed onsite. There is no limit on the amount of finished compost that may be store.

(g) **Access**. A composting facility shall have legal and physical access to a road designated as a truck route.

(h) **Buffer**. The reviewing authority may require fencing and/or landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

8-492 Recycling center

(a) **Compliance with other requirements**. In addition to meeting the requirements in this section, a recycling center shall comply with all county, state, and federal regulations that may apply.

(b) **Location of materials and activities**. All materials and activities, except loading and unloading of materials, shall be conducted entirely within the confines of a building.

8-493 Solid waste transfer station

(a) **Compliance with other requirements**. In addition to meeting the requirements in this section, a solid waste transfer station shall comply with all county, state, and federal regulations that may apply.

(b) **Location of materials and activities**. All materials and activities, except loading and unloading of materials, shall be conducted entirely within the confines of a building.

(c) **Distance to specified features**. A solid waste transfer station shall not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

8-494 to 8-520 Reserved

DIVISION 12
SPECIFIC STANDARDS FOR ACCESSORY LAND USES
(Series 17 in Land-Use Matrix)

Sections

8-521	Accessory dwelling unit	8-538	Household livestock
8-522	Adult family home	8-539	Kennel, hobby
8-523	Amateur radio and/or citizens band antenna	8-540	Light industrial use incidental to sales/service
8-524	Bed and breakfast	8-541	Outdoor food and beverage service
8-525	Boat dock	8-542	Play structure
8-526	Boathouse	8-543	Pond
8-527	Exterior communication device	8-544	Rural accessory building
8-528	Family day care home	8-545	Sales incidental to light industrial use
8-529	Farm building for non-farm storage	8-546	Service window, drive-up
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8-533	Garage, nonresidential	8-550	Storage container
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8-535	Greenhouse	8-552	Utility cabinet
8-536	Home occupation, major	8-553	Work/live dwelling unit
8-537	Home occupation, minor	8-554	Yard shed

8-521 Accessory dwelling unit

(a) **Legislative intent**. Accessory dwelling units represents a way to increase the housing stock in the City and promote housing choice and affordability. Accessory dwelling units must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit.

(b) **Location**. An accessory dwelling unit shall only be located on the upper floor of a detached garage that is located in the rear yard and complies with all setback requirements for the zoning district in which the subject property is located. If a variance is granted allowing construction of the garage closer to a property boundary line than what is otherwise allowed in the zoning district, such garage is not eligible to also include an accessory dwelling unit.

(c) **Character of building**. Any exterior changes or additions for an accessory dwelling unit shall be constructed of similar materials and shall be architecturally compatible with the principal dwelling unit.

(d) **Size limitation**. The floor area of the accessory dwelling unit shall not be more than 65 percent of the total floor area of the principal dwelling unit up to a maximum of 700 square feet.

(e) **Number**. There shall be no more than one accessory dwelling unit on the subject property.

(f) **Lot area**. The lot containing an accessory dwelling unit shall be at least 2,500 square feet greater than the minimum lot area for the zoning district in which the lot is located.

(g) **Owner occupancy required**. The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit.

(h) **Walkway**. There shall be an unobstructed walkway leading from the public street to the accessory dwelling unit.

(i) **Compliance with building codes**. Prior to establishment of an accessory dwelling unit, the building inspector shall certify that the garage meets all applicable building codes. In addition, an accessory dwelling unit shall comply with all applicable building codes.

(j) **Compliance with sanitation requirements**. If the subject property is not served by municipal sewer, the Bayfield County Health Environmental Resource Department shall certify that the existing on-site sewage disposal system can accommodate the proposed use in accordance with county sanitation requirements.

8-522 Adult family home

(a) **License**. Prior to the establishment of an adult family home, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Signage**. Signage for an adult family home shall comply with all applicable standards set forth in Article 18.

8-523 Amateur radio and/or citizens band antenna

(a) **Legislative findings**. The Common Council makes the following legislative findings regarding amateur radio and/or citizens band antennas:

(1) The placement of amateur radio antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the city.

(2) Pursuant to s. 59.69(4f), Wis. Stats., the regulations in this section constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.

(b) **Number**. Antennas shall be placed on no more than 2 support structures, such as a tower or on top of a building.

(c) **Type of tower**. An antenna may be placed on a monopole or lattice tower.

(d) **Anti-climbing measures required**. If a tower is used to support the antenna, the tower shall have anti-climbing measures to prevent unauthorized climbing.

(e) **Placement**. An antenna shall not be located in a front yard.

(f) **Setback requirements**. The center of the antenna shall be no closer than 110 percent of the total height of the antenna to a lot line and overhead electric lines.

8-524 Bed and breakfast

(a) **State permit.** Prior to the establishment of a bed and breakfast, the operator shall obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such permit.[34]

(b) **Display of permit**. The operator shall display the current bed and breakfast permit in a conspicuous location inside the bed and breakfast.

(c) **Accommodations tax**. Prior to the establishment of a bed and breakfast, the operator shall obtain a permit issued pursuant to s. 3-4-2(c) of the municipal code for the purpose of collecting any accommodations tax as may be adopted by the City.

(d) **Registry**. The operator of the bed and breakfast shall keep an accurate register showing the names of all guests. This registry shall be kept on file for a period of one year and shall be available for inspection by city officials at any time upon request.

(e) **Compliance with applicable building codes**. Prior to the establishment of a bed and breakfast or the expansion of an existing bed and breakfast, the building inspector shall certify that the dwelling meets all applicable building code requirements.[35]

(f) **Type of dwelling**. A bed and breakfast shall only occur within a single-family dwelling.

(g) **Exterior character of the dwelling unit**. The exterior appearance of the building shall not be altered from its single-family appearance.

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[34] Commentary: See subch. VII of ch. 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[35] Commentary: Bed and breakfasts must comply with the residential building code requirements; the commercial building code does not apply because the dwelling is the operator's residence and the operator is residing in the residence when guests are present. .

(h) **Residency requirement**. The operator of a bed and breakfast shall reside in the single-family dwelling during those times when one or more of the rooms are occupied.

(i) **Number of allowable guest rooms**. No more than 8 guest rooms shall be offered.

(j) **Number of guests**. There shall not be more than a total of 20 guests at any one time.

(k) **Food preparation**. No food preparation or cooking shall be allowed in guest rooms.

(l) **Meals**. Meals shall only be offered to overnight guests.

(m) **Maximum stay**. The maximum stay for any occupant is 14 consecutive days in any 30-day period.

(n) **Change in ownership**. When a bed and breakfast is approved as a conditional use, such approval is personal to the applicant. Thereafter, any change in ownership shall require issuance of new conditional use approval pursuant to the procedures and requirements in effect at the time an application is made.

(o) **Signage**. Signage for a bed and breakfast shall comply with all applicable requirements set forth in Article 18.

8-525 Boat dock

A boat dock shall comply with all rules and regulations established in state statutes and administrative rules established pursuant to those statutes.

8-526 Boathouse

(a) **Other permits.** The property owner shall obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.

(b) **Allowable uses**. The use of a boathouse is limited to the storage of watercraft and related equipment. A boathouse shall not be used for human habitation.

(c) **Yard setbacks.** A boathouse may be located within a shoreyard, but shall be no closer than 10 feet to the ordinary high-water mark of the stream or lake on which it fronts. A boathouse shall not be closer than 3 feet to a side lot line.

(d) **Number.** No more than one boathouse shall be located on a parcel of land.

(e) **Floor area.** The boathouse shall contain at least 200 square feet of floor area but not more than 400 square feet.

(f) **Access door requirement.** A boathouse shall have a garage-type door on the side of the building facing the water.

(g) **Plumbing fixtures**. A boathouse may contain plumbing for 2 sinks, one toilet, and one standup shower, provided such fixtures are connected to an approved wastewater system.

(h) **Use of flat roof**. If the boathouse has a flat roof, the rooftop area may be used as an outdoor living area, provided the roof is designed for such use and otherwise meets applicable building codes (e.g., safety railing) and the top of the railing shall not be higher than the maximum height for accessory buildings in the zoning district in which it is located.

(i) **Construction standards**. A boathouse shall be placed on a continuous perimeter foundation that extends below the frost line or on a concrete slab.

(j) **Human habitation**. A boathouse shall not be used for human habitation.

8-527 Exterior communication device (receive-only antenna)

A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 10 feet above the roofline.

8-528 Family day care home

(a) **License**. Prior to the establishment of a family day care home, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.

(b) **Signage**. Signage for a family day care home shall comply with all applicable standards set forth in Article 18.

8-529 Farm building for non-farm storage

(a) **Expansion**. The farm building used for non-farm storage shall not be enlarged to increase the storage area.

(b) **Alteration of building**. The farm building may not be altered to accommodate this use, except as may be specifically permitted by the reviewing authority as part of the review process.

(c) **Exterior storage prohibited**. All storage shall occur within the farm building (i.e., no outside storage).

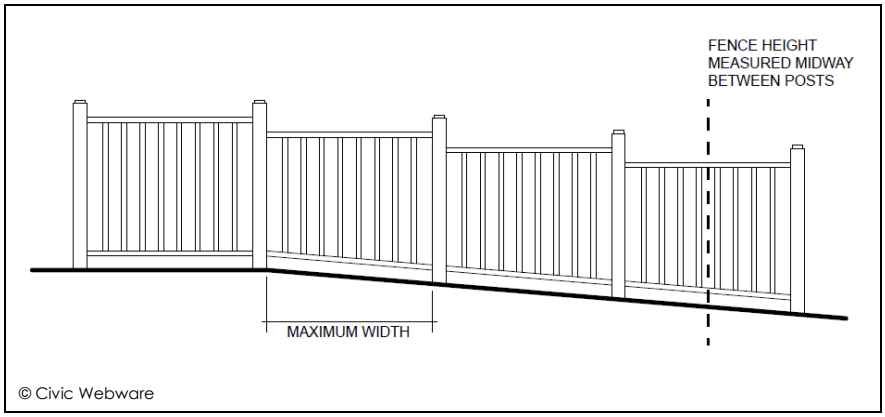
(d) **Signage**. Signage for farm building for non-farm storage shall comply with all applicable standards set forth in Article 18.

8-530 Fence

(a) **Applicability**. The requirements of this section apply to fences more than 30 inches in height.

(b) **Measurement of fence height**. The height of a fence shall be measured from the adjoining ground surface to the top of the fence material (i.e., not the fence post, pole, or column). If a fence is located on a slope and is stepped, the height of the fence shall be measured midway between the vertical supports (Exhibit 8-10).

Exhibit 8-10. Special standards for a stepped fence



(c) **Construction specifications**. A fence shall meet the following construction specifications:

(1) **Thickness**. With the exception of vertical supports, the thickness of a fence shall not exceed 14 inches.

(2) **Height**. The top of a fence shall not exceed the height listed in Exhibit 8-11.

(3) **Orientation**. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located, except for livestock fencing.

(4) **Materials**. A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. The opacity of a fence located in a front yard shall not exceed 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood or plastic are permitted only as temporary fences.

(5) **Vertical supports**. A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence. If a fence is located on a slope and is stepped, each section shall not be wider than 10 feet.

(6) **Arbors**. An arbor may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.

(7) **Trellises**. A trellis may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.

(8) **Placement with respect to a lot line**. A fence may be placed up to a lot line, except that a fence shall not be closer than 2 feet to a public road right-of-way or other lot line when adjoining a public pedestrian walkway or the like.

Exhibit 8-11. Maximum fence height

Location	Residential Zoning Districts	Commercial Zoning Districts	Industrial Zoning Districts
Front yard	4 feet [1,2]	4 feet [3]	10 feet
Side yard	6 feet [2]	8 feet [3]	10 feet
Rear yard	6 feet [2]	8 feet [3]	10 feet

Notes:
1. On parcels of 3 acres or more, a fence may be 5.5 feet in the front yard when the fence is used to contain livestock as may be allowed.
2. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow a fence that is higher than the height specified when such fence is needed to prevent certain livestock from escaping.
3. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow a fence that is higher than the height specified, but no more than 10 feet.

(9) **Placement in a utility easement**. A fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority may remove such fence at the property owner's expense, is not liable for any damage to the fence, and is not responsible for the reconstruction of the fence.

(10) **Placement in a drainage easement**. A fence shall not be located within a drainage easement. Upon written petition, the zoning administrator may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater and the easement holder does not object.

(d) **Special standards for fencing around a swimming pool**. A fence shall be located around a swimming pool consistent with the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing.

(e) **Special standards for fencing around a sport court**. A fence may be located around a sport court, provided it meets the following standards:

(1) The fence shall not exceed 12 feet in height.

(2) The fence shall not be located within a setback line.

(3) Any portion of the fence above 6 feet in height shall be an open woven wire.

(f) **Special standards for temporary fencing**. A temporary fence may be used for the duration of a construction project with a valid building permit.

(g) **Modification of stormwater flow**. A solid masonry fence shall not impede the natural flow of stormwater.

(h) **Barbed wire fencing**. Barbed wire fencing is prohibited except as follows:

(1) Three or fewer courses of barbed wire may be installed above the top line of a 6-foot high chain link fence when located in an industrial zoning district.

(2) Barbed wire may be used to contain livestock as may be allowed in the zoning district.

(i) **Electric fencing**. Electrically-charged fencing is prohibited except when used to contain livestock as may be allowed in the zoning district.

(j) **Special standards for plant protection**. Fencing may be erected in the side and rear yards to protect gardens and other plantings. Fencing may be erected in the front yard to protect gardens and other plantings when the parcel exceeds one acre.

(k) **Maintenance**. A fence shall be maintained in a structurally sound manner.

(l) **Fencing as a private nuisance**. In no event shall any provision in this section be construed to permit a fence that constitutes a private nuisance as set forth in s. 844.10, Wis. Stats.

8-531 Firewood storage

(a) **Location**. Firewood shall only be stored in the side and rear yard, except that firewood may be temporarily stored in the front yard or side yard for a period not exceeding 30 days from the date of delivery.

(b) **Setbacks**. Firewood may not be stacked closer than 2 feet to a side or rear lot line and not higher than 8 feet above grade, except adjacent to a fence where firewood can be stacked no higher than the height of the fence. Fences as used in this section do not include hedges and other vegetation.

(c) **Debris removed**. All brush, debris, and refuse relating to the processing of firewood onsite shall be removed within 15 days.

(d) **Diseased wood**. Woodpiles shall not contain diseased wood that is capable of transmitting disease to healthy trees.

(e) **Lot coverage**. Not more than 20 percent of the side and rear yard may be used for storage of firewood.

8-532 Foster home and treatment foster home

Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

8-533 Garage, nonresidential

(a) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(b) **Exterior materials**. Exterior materials shall be the same as, or substantially the same as, those used on the principal building.

(c) **Rooflines**. The roof lines of the garage shall match the roof lines of the principal building to the greatest practical extent.

8-534 Garage, residential

(a) **Location**. A garage may be attached to the residence or detached.

(b) **Type of construction**. A garage shall be of conventional wood-frame, metal-frame, or masonry construction. Soft-sided structures and canopies are specifically prohibited.

(c) **Exterior materials**. Exterior materials shall be the same as, substantially the same as, or complement those materials used on the building that houses the residential use.

(d) **Rooflines**. The roof lines of the garage shall match the roof lines of the principal building to the greatest practical extent.

8-535 Greenhouse[36]

(a) **Generally**. Except as provided for in this section, a greenhouse may be established subject to limitations generally applicable to accessory buildings.

(b) **Number**. No more than one greenhouse shall be placed on a parcel of land.

8-536 Home occupation, major

(a) **Validity of use**. The individual primarily responsible for operating the major home occupation shall reside in a dwelling unit on the parcel.

(b) **Location and space limitation**. The major home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the major home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit. A major home occupation may also be located in a residential garage located on the lot, provided at least one bay is reserved for parking a full-size motor vehicle. The establishment of a major home occupation does not authorize the

[36] Commentary: A greenhouse is accessory to a residential use. If a greenhouse is part of an agricultural operation, that use is listed under the series 1.0.

property owner to construct a garage or other accessory building that does not otherwise comply with this chapter.

(c) **Exterior character of building**. The exterior character of the building housing the major home occupation shall not be altered to accommodate such use.

(d) **Storage of materials**. Exterior storage of materials or equipment is allowed, but shall be screened from view from properties in a residential zoning district or a planned development district that allows residential uses to the extent deemed necessary by the reviewing authority. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(e) **Limitation on number of on-site workers**. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(f) **Limitation on customer traffic**. The major home occupation shall not generate more than 10 customer trips per business day.

(g) **Retail sales**. On-site retail sale of merchandise is permitted. Such items, however, shall not be displayed out-of-doors or in any window.

(h) **Nuisance**. A major home occupation shall not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(i) **Special exception for an operator with a disability**. Consistent with the procedures and requirements of Article 7, the Plan Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the major home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the major home occupation in a reasonable manner.

(j) **Multiple home occupations**. More than one major home occupation may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(k) **Signage**. Signage for a major home occupation shall comply with the requirements set forth in Article 18.

8-537 Home occupation, minor

(a) **Validity of use**. The individual primarily responsible for operating the minor home occupation shall reside in the dwelling unit on the parcel.

(b) **Location and space limitation**. The minor home occupation shall occur entirely within the dwelling unit. The space specifically designated for use of the minor home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

(c) **Exterior character of building**. The exterior character of the building housing the minor home occupation shall not be altered to accommodate such use.

(d) **Storage of materials**. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(e) **Limitation on number of on-site workers**. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit.

(f) **Retail sales**. On-site retail sale of merchandise is prohibited.

(g) **Nuisance**. A minor home occupation shall not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(h) **Special exception for an operator with a disability**. Consistent with the procedures and requirements of Article 7, the Plan Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the minor home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the minor home occupation in a reasonable manner.

(i) **Multiple home occupations**. More than one minor home occupation may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(j) **Signage**. Signage for a minor home occupation shall comply with the requirements set forth in Article 18.

8-538 Household livestock

(a) **Minimum lot area**. A minimum lot area of 3 acres is required for household livestock.

(b) **Number of animals**. The number of animals shall not exceed one animal unit for each full acre enclosed by fencing using the animal unit factors in the Exhibit 8-12.[37] The zoning administrator is authorized to determine an appropriate animal unit factor for any animal not listed in Exhibit 8-12.

(c) **Prohibited animals**. The keeping of hogs, male goats, roosters, or fur-bearing animals, other than rabbits, is prohibited.

(d) **Location of new buildings**. A building that houses household livestock shall not be located within a floodplain, or closer than 100 feet to the ordinary high-water mark of a navigable body of water, or closer than 50 feet to any property boundary line.

Exhibit 8-12. Animal unit factors

Animal	Animal unit factor
Large animals including cows, horses, llamas, mules, donkeys, bison, and other similar animals	1.0
Sheep	0.3
Goat	0.3
Poultry, including chickens, ducks, geese, turkeys, and guineafowl	0.1
Rabbit	0.1

Note: The animals included in this table are illustrative; not all may be allowed in the city.

(f) **Fencing**. Any area where household livestock are allowed to pasture or run shall be adequately fenced to keep them confined to such area. Any such fence shall be located not less than 6 feet from any property boundary line.

8-539 Kennel, hobby

If the keeping of animals allowed as a hobby kennel becomes a nuisance to the neighborhood, as determined by the Plan Commission or the Common Council, the Common Council may take appropriate steps to terminate the use consistent with Article 7.

8-540 Light industrial use incidental to sales/service

(a) **Maximum floor area**. The total floor area devoted to the light industrial activity shall not exceed 15 percent of the total floor area of the building, or 5,000 square feet, whichever is less.

(b) **Required separation**. The area devoted to the light industrial activity shall be physically separated by a wall or partition from other activity areas.

8-541 Outdoor food and beverage service

(a) **Maximum size of service area**. The size of the outdoor service area shall not be more than 50 percent of the floor area of the brewpub, restaurant, or tavern.

(b) **Location of service area**. The outdoor service area shall be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area shall not be located in a public right-of-way, a required landscape area, or the setback of a front yard, side yard, shore yard, or rear yard.

(c) **Consistency with state liquor license**. No alcohol beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the City, explicitly states that consumption is permitted within the outdoor service area.

(d) **Entrance to service area if alcohol beverages are served**. If alcohol beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means.

(e) **Restroom requirements**. The restroom facilities in the brewpub, restaurant, or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

[37] Commentary: For example, 10 rabbits equal one animal unit.

8-542 Play structure

A play structure shall comply with the setback requirements for accessory structures in the zoning district in which this use is located.

8-543 Pond

(a) **Minimum lot area**. A minimum lot area of 3 acres is required for a pond.

(b) **Pond design**. A pond shall not create the potential for flooding, concentrated runoff, inadequate drainage, or unfavorable topography.

(c) **Placement**. A pond shall be located at least 75 feet from all property boundary lines.

8-544 Rural accessory building

The property owner shall comply with those requirements set forth in Division 11 of Article 7 and each of the conditions of approval as may be imposed.

8-545 Sales incidental to industrial use

(a) **Maximum floor area**. The total floor area devoted to indoor sales shall not exceed 25 percent of the total floor area of the building.

(b) **Required separation**. The area devoted to wholesale/retail sales shall be physically separated from those areas used for industrial purposes by a physical barrier such as a full-height interior wall or a half-wall.

8-546 Service window, drive-up

(a) **Crosswalks**. A pedestrian crosswalk shall be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.

(b) **Length of queue lane**. The lane leading up to a drive-up service window shall be of sufficient length so that at the anticipated customer peak, all motor vehicles waiting in queue will be entirely on the premises.

(c) **Location**. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.

8-547 Service window, walk-up

A walk-up service window shall not be located within 8 feet of a setback of a front yard, side yard, shore yard, or rear yard.

8-548 Solar energy system, building-mounted

(a) **Maximum surface area**. No portion of a panel used to collect solar energy may extend beyond the roof perimeter or the wall perimeter to which it is attached.

(b) **Maximum height**. A building-mounted solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.

(c) **Placement on a roof.** The panels of a solar energy system that are mounted on a roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

(d) **Placement on a façade**. A solar energy system may be mounted on the façade of a commercial building if integrated into the overall design of the building. Such installations shall not project more than 4 feet from the face of the wall.

(e) **Certification**. A solar panel shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(f) **Glare**. A solar panel shall be positioned so as to minimize glare towards vehicular traffic and adjacent properties.

(g) **Approval by electric utility company**. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(h) **Termination of use**. If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to the termination of an approval.

(i) **Compliance with state law**. The provisions in this section are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case by case basis, if the restrictions of this subsection are found not to comply with the authority of s. 66.0401(1m), Wisconsin Statutes, they shall not be required. The Plan Commission shall have the ability to add additional restrictions on a case by case basis, provided they are within the authority of the City pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

(1) Serves to preserve or protect the public health or safety.

(2) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(3) Allows for alternative system of comparable cost and efficiency.

8-549 Solar energy system, free-standing[38]

(a) **Surface area**. The surface area of a free-standing solar energy system shall not exceed 5 percent of the lot area.

(b) **Number**. There is no limit on the number of free-standing solar energy systems on a parcel of land.

(c) **Maximum height**. A free-standing solar energy system in any position shall not exceed 15 feet in height as measured from the surrounding grade.

(d) **Setback**. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow a free-standing solar energy system to extend into a setback when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(e) **Placement in yards**. A free-standing solar energy system located in a residential or commercial zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in a manufacturing zoning district may be located in any yard area.

(f) **Certification**. A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(g) **Glare**. A free-standing solar energy system shall be positioned so as to minimize glare towards vehicular traffic and adjacent properties.

(h) **Approval by electric utility company**. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(i) **Termination of use**. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 7 relating to the termination of an approval.

(j) **Compliance with state law**. The provisions in this section are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case by case basis, if the restrictions of this subsection are found not to comply with the authority of s. 66.0401(1m), Wisconsin Statutes, they shall not be required. The Plan Commission shall have the ability to add additional restrictions on a case by case basis, provided they are within the authority of the City pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

(1) Serves to preserve or protect the public health or safety.

[38] Commentary: If the total surface area of the solar energy system exceeds the standards stated in this section or if two or more separate arrays are used, such use is considered a solar power plant, which is a principal use and is listed in the 12 series.

(2) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(3) Allows for alternative system of comparable cost and efficiency.

8-550 Storage container

(a) **Location**. A storage container in a commercial zoning district shall only be located in a rear yard, but not within a setback or in a parking area required by this chapter.

(b) **Stacking prohibited**. Storage containers shall not be stacked one on top of another.

(c) **Character**. A storage container shall be structurally sound and in good repair as determined by the building inspector.

(d) **Signage**. The exterior of a storage container shall not be used for signage.

8-551 Swimming pool

(a) **Location**. A swimming pool shall not be located closer than 10 feet to the principal structure. A swimming pool may only be located in a side or rear yard, but not closer than 6 feet to a property boundary line or the minimum setback for an accessory building whichever is greater. A swimming pool shall have a horizontal separation distance of at least 15 feet from any septic tank or soil absorption field. The inside wall of the pool shall be located at least 10 feet from the vertical plane formed by the electrical wire perpendicular to the ground surface. The filter unit, pump, heating unit, and any other mechanical equipment shall be located at least 15 feet from a property boundary line.

(b) **Decking**. Surfaced terraces, sun decks, and walks that are accessory to a swimming pool shall be at least 5 feet from a property boundary line.

(c) **Draining of water**. Water that is drained out of a swimming pool shall not flow onto adjoining property without the property owner's explicit approval, into a wetland, into a navigable waterbody, or into a sanitary sewer without the approval of the public works director or city administrator.

(d) **Area**. The ground area of a swimming pool shall not exceed 30 percent of the rear and side yards of the parcel on which it is located.

(e) **Design specifications**. A swimming pool shall meet the most current standards published by the National Spa and Pool Institute (NSPI) and the American National Standards Institute (ANSI) including those for plumbing, electrical service, sanitation, fencing, security, and safety.

(f) **Fencing**. A fence shall be located around a swimming pool consistent with the standards in the most current edition of ANSI/IAF-8 as promulgated by the American National Standards Institute and Association of Pool and Spa Professionals that relate to barriers and fencing. Any swimming pool existing as of insert effective date of code that does not meet the fencing requirements shall comply with the fencing requirements before water is placed in the pool.

8-552 Utility cabinet

(a) **Number limited**. No more than 4 utility cabinets shall be located on a parcel of land. Five or more utility cabinets on a parcel of land shall be considered a minor utility installation. A utility cabinet is considered an accessory use in all situations and may be placed on private property and public property, such as a public right-of-way.

(b) **Setbacks**. A utility cabinet is exempt from yard setback standards as may be established for the zoning district in which this use is located.

(c) **Placement on private property**. Prior to establishing a utility cabinet on private property, the operator and property owner shall establish a proper lease or easement governing the use of the property for this purpose and submit the same to the zoning administrator for his or her approval.

(d) **Placement on public property**. Prior to establishing a utility cabinet on public property under the jurisdiction of the city, county, or state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

(e) **Placement in a stormwater easement**. Prior to establishing a utility cabinet within a stormwater management easement under the jurisdiction of the city, county, or state, the operator shall obtain all approvals as may be required by the governmental entity having jurisdiction.

8-553 Work/live dwelling unit

(a) **Number**. No more than one work/live dwelling unit shall be located on the subject property.

(b) **Occupancy**. A work/live dwelling unit shall be occupied and used only by the operator of the business, or a household of which at least one member shall be the business operator. If the business operator ceases to occupy the work/live dwelling unit for more than 12 months, the floor area of the work/live dwelling unit shall be converted to business purposes. If both the business area and the work/live dwelling unit are unoccupied, the work/live dwelling unit may remain during the vacancy.

(c) **Sale or rental of portions of unit**. No portion of a building with a work/live dwelling unit may be rented, leased, sold, or otherwise conveyed to any person not living in the work/live dwelling unit.

(d) **Prohibited uses**. A work/live dwelling unit shall not be established or used in conjunction with any of the following activities even if otherwise permitted in the zoning district:

(4) adult-oriented establishment;

(5) motor vehicle or heavy equipment maintenance or repair;

(6) any use that stores or uses flammable, combustible, or hazardous materials beyond that normally associated with a residential use; and

(7) any use, as determined by the reviewing authority, that is likely to not be compatible with residential activities because of the type of materials or processes used in the business operation or the presence of dust, glare, heat, noise, gasses or other emissions, odor, smoke, vibration, or any other similar or related condition created by the business operation.

(e) **Floor area**. The floor area of a work/live dwelling unit shall not exceed 30 percent of the floor area of the entire building in which the unit is located, or 1,200 square feet, whichever is less. The remaining floor area shall be reserved and regularly used for business purposes.

(f) **Exterior door**. There shall be an exterior entrance door to the work/live dwelling unit that is clearly separated from the entrance to the business.

(g) **Restriction on future land division changes to lot lines**. The subject property shall not be subdivided or otherwise divided by any means so long as the live/work dwelling unit is being occupied for residential purposes. Further, the location of the lot lines shall not be altered by any means without the written approval of the Common Council upon a recommendation of the Plan Commission.

(h) **Imposition of conditions**. The reviewing authority may establish conditions of approval that in the opinion of the reviewing authority, are needed to ensure the work/live dwelling unit is compatible with the business on the subject property and the commercial or industrial use of other properties in the vicinity.

(i) **Deed restriction**. Prior to the establishment of a work/live dwelling unit, the property owner shall file a deed restriction in the Bayfield County register of deeds office, acceptable to the zoning administrator, that includes one or more of the use or operational requirements contained in this section and other provisions deemed appropriate by the zoning administrator or other reviewing authority.

(j) **Required findings**. As part of the review process, the reviewing authority shall only approve a work/live dwelling unit after making a positive finding for all of the following requirements:

(1) The building containing the work/live dwelling unit contains a bona fide business that is otherwise permitted in the zoning district in which it is located.

(2) The establishment of the work/live unit dwelling unit will not conflict with or inhibit permitted business uses in the area.

8-554 Yard shed

No more than one yard shed shall be placed on a parcel of land.

8-555 to 8-600 Reserved

DIVISION 13
SPECIFIC STANDARDS FOR TEMPORARY LAND USES
(Series 18 in Land-Use Matrix)

Sections

8-601	Contractor's office	8-608	Party tent
8-602	Earth materials stockpile	8-609	Portable storage container
8-603	Farmers market	8-610	Seasonal product sales
8-604	Farm stand, off-site	8-611	Sidewalk café
8-605	Farm stand, on-site	8-612	Special event
8-606	Model home	8-613	Wind test tower
8-607	Off-site construction yard	8-614	Yard sale

8-601 Contractor's office

(a) **Generally**. A contractor's office may be established for commercial and industrial construction projects, and townhomes and multi-family residential projects with 15 or more dwelling units.

(b) **Duration of use**. A contractor's office shall be removed within 10 days after the date of issuance of the last occupancy permit for the building under construction.

(c) **Location**. A contractor's office shall be placed in a location with the least impact to adjoining property owners.

(d) **Limitation on use**. The use of a contractor's office shall be limited to construction management activities related to the construction project on the parcel of land on which it is located.

(e) **Review as a conditional use**. A contractor's office that is on site for more than 365 days shall be reviewed as a conditional use.

8-602 Earth materials stockpile

(a) **Hours of operation**. When the earth materials stockpile is located within or next to a residential zoning district or a planned development district that allows residential uses, equipment used to load, move, or process materials shall only be used between the hours of 7:00 a.m. and 7:00 p.m.

(b) **Term of use**. As part of the site plan/operation plan review, the reviewing authority may establish the maximum length of time this use may operate.

(c) **Fugitive dust**. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

8-603 Farmers market

(a) **Hours of operation**. The display of products and sales shall only occur between the hours of 7:00 a.m. and 30 minutes past sunset.

(b) **Removal and clean up**. All features solely associated with the farmers market shall be removed and all trash and debris shall be removed within 24 hours following the close of the farmers market.

(c) **Signage**. Signage for a farmers market shall comply with all applicable standards set forth in Article 18.

8-604 Farm stand, off-site

(a) **Size limitation**. If a structure or building is used, the ground area shall not exceed 100 square feet.

(b) **Hours of operation**. The sale of items shall not occur before 7:00 a.m. or after 30 minutes past sunset.

(c) **Number**. No more than one stand is allowed on any one premises.

(d) **Signage**. Signage for an off-site farm stand shall comply with all applicable standards set forth in Article 18.

8-605 Farm stand, on-site

(a) **Limitation on sales.** Products offered for sale shall be produced on the premises.

(b) **Hours of operation**. If this use is located in a residential zoning district or a planned development district that allows residential uses, the hours of operation are limited to sunrise to sunset.

(c) **Use of structure**. A structure may be used to store or display products and for sales, provided the following conditions are met:

(1) **Term of use**. The structure is only used from April 1 through November 30 and is removed no later than December 3.

(2) **Floor area**. The floor area of the structure shall not exceed 500 square feet.

(3) **Structure height**. The height of the structure shall not exceed 12 feet.

(4) **Location**. The structure may be located within the front-yard setback area but no closer than 15 feet to the lot line.

(d) **Signage**. Signage for an on-site farm stand shall comply with all applicable standards set forth in Article 18.

8-606 Livestock for vegetation management

(a) **Vegetation management plan**. A vegetation management plan must be prepared and approved by the zoning administrator which describes the areas to be treated, the number of livestock being used, the time periods when livestock will be used, the type of fencing used, and other operating characteristics.

(b) **Buildings**. No permanent buildings may be erected or installed on the subject property for housing the livestock.

(c) **Fencing**. Fencing may be temporarily installed while livestock are kept on the subject property.

8-607 Model home

(a) **Generally**. A model home may only be established when the residential project in which it located is developed by a single developer and the project will have 3 or more dwelling units.

(b) **On-street parking required**. A model home may only be established when on-street parking is permitted on the street directly in front of the model home.

(c) **Appearance**. The dwelling unit used as a model home shall be of the same type and character as the dwelling units being offered for sale within the development.

(d) **Duration of use**. The model home shall operate for no more than 3 years. Prior to the expiration of this time period, the model home shall be closed when 80 percent of the dwelling units within the entire development have been sold.

(e) **Limitation on use**. The model home is intended to facilitate the sale of residential housing units in the development in which it occurs and off-site sales activity shall be clearly incidental. The model home may be furnished but shall not be occupied as a residence.

(f) **Hours of operation**. The model home may not be open between 8:00 pm and 8:00 am, except by appointment.

(g) **Conversion**. Upon cessation as a model home, the property owner shall take all necessary actions to convert the building to a dwelling unit.

(h) **Signage**. Signage for a model home shall comply with the requirements set forth in Article 18.

8-608 Off-site construction yard

(a) **Setback requirements**. Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(b) **Site restoration**. As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the parcel that will be disturbed and how those areas will be restored following the cessation of this temporary use.

(c) **Financial guarantee**. Prior to the establishment of an off-site construction yard, the property owner shall submit a financial guarantee to the city pursuant to the requirements in Division 4 of Article 6 of this code in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

(d) **Signage**. Signage for an off-site construction yard shall comply with the requirements set forth in Article 18.

8-609 Party tent

(a) **Duration**. A party tent shall not be erected for more than 7 continuous days.

(b) **Not counted as a building**. A party tent permitted under this code does not count as a building.

8-610 Portable storage container

(a) **Duration**. A portable storage container shall not be located on a parcel of land for more than 90 days during any 9-month period.

(b) **Location**. A portable storage container shall not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway.

(c) **Maximum floor area**. The cumulative floor area of one or more portable storage containers shall not exceed 250 square feet.[39]

(d) **Limitation on use**. When located in a residential zoning district or a planned development district that allows residential uses, a portable storage container shall only be used to store household goods during an on-site construction/remodeling project or when used to move household goods to another location.

8-611 Seasonal product sales

(a) **Duration of use**. Merchandise shall not be sold any sooner than 30 days prior to the date of the seasonal event. Cleanup and removal of all related items shall be completed within 2 days following the date of the seasonal event.

(b) **Removal and clean up**. Within 24 hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds shall be removed from the site.

(c) **Signage**. Signage for seasonal product sales shall comply with the requirements set forth in Article 18.

8-612 Sidewalk café

(a) **Legislative findings**. The Common Council finds that sidewalk cafes if properly designed and operated can (1) enhance the pedestrian ambiance of the City by promoting additional activity on city sidewalks and visual interest; (2) enhance the appropriate use of existing public spaces; and (3) increase economic activity in the area.

(b) **Location**. A sidewalk café shall be located directly in front of the restaurant with which it is associated.

(c) **Obstructions**. A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.

(d) **Pedestrian movement**. Tables, chairs, planters, or other objects related to the sidewalk café shall not impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement (Exhibit 8-13).

(e) **Planters**. Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters

[39] Commentary: Although portable storage containers come in different sizes, units are generally 10 feet by 10 feet and 10 feet by 15 feet.

are permitted provided they are attached to a building or a utility pole, with approval of the public works director, and the bottom of the hanging planter is at least 7 feet above the surrounding grade.

(f) **Lighting**. Lighting shall be limited to table top lamps of low intensity. The building inspector may allow additional lighting to provide appropriate levels for safety.

(g) **Furnishings**. All furnishings shall fit the character of a public streetscape. An umbrella over each table may be permitted if it does not create an obstruction.

(h) **Floor covering**. A floor covering may not be used in the sidewalk café.

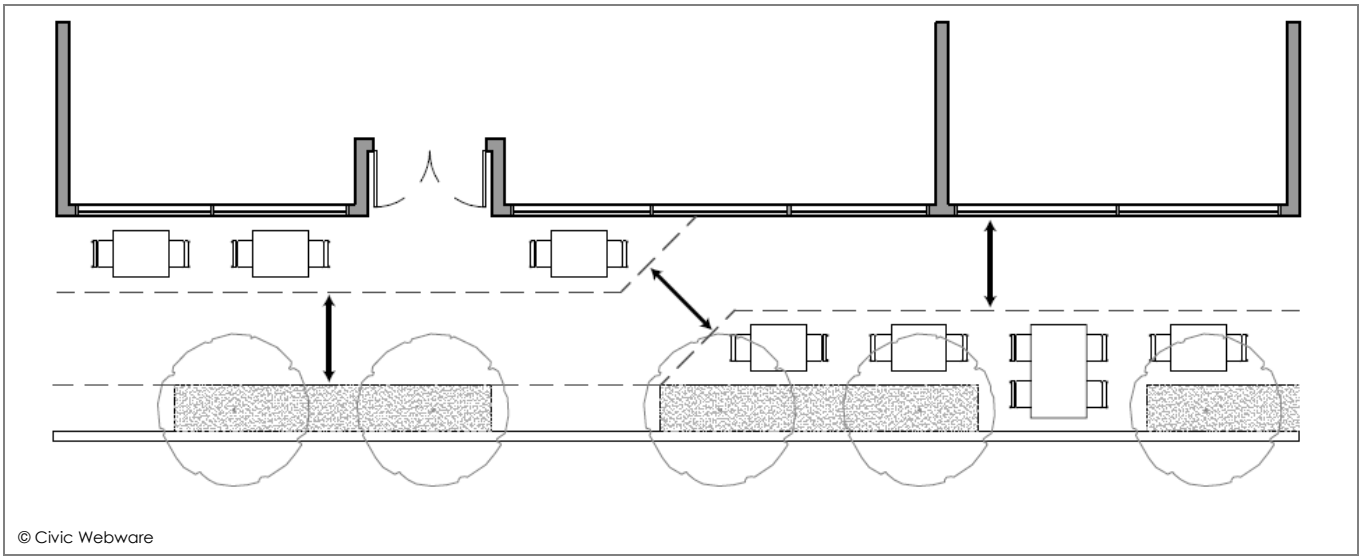
(i) **Tables**. Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.

(j) **Food preparation**. All food shall be prepared within the restaurant.

(k) **Alcohol beverages prohibited**. No alcohol beverages may be served or consumed in the sidewalk café.

(l) **Restroom requirements**. The restroom facilities in the brewpub or restaurant shall be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

Exhibit 8-13. Pedestrian clearance for sidewalk café



8-613 Special event, major

(a) **Sanitation**. The operator shall comply with sanitation requirements as may be established by the Bayfield County Health Department.

(b) **Setbacks.** No portion of the property within the setbacks established for the zoning district shall be used for a special event, except as specifically authorized in the approval.

(c) **Road closure**. If the special event involves closing a public roadway or primarily uses a public roadway for the event, the event organizer shall obtain all necessary approvals from the agency having jurisdiction over the affected roadway.

8-614 Special event, minor

No special standards apply to minor special events.

8-615 Wind test tower

Pursuant to s. 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. If the Plan Commission and/or Common Council determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission requesting the imposition of reasonable restrictions on such use.

8-616 Yard sale

(a) **Required principal use**. A yard sale shall only occur with a principal residential use or with a governmental or institutional use, such as a worship facility, library, or school.

(b) **Duration**. A yard sale shall not be operated for more than 3 consecutive days, and no more than 2 consecutive weekends in a month of an additional yard sale.

(c) **Signage**. Signage for a yard sale shall comply with the requirements set forth in Article 18.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 9
FLOODPLAIN OVERLAY DISTRICT

Divisions

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DIVISION 1
GENERAL PROVISIONS

Sections

9-1	Authorization	9-4	Areas to be regulated
9-2	Legislative findings	9-5	Municipalities and state agencies regulated
9-3	Purpose		

9-1 Authorization

This article is adopted under authority granted by s. 62.23, Wis. Stats., and the requirements in s. 87.30, Wis. Stats.

9-2 Legislative findings

The Common Council makes the following legislative findings:

(1) Uncontrolled development and use of the floodplains and rivers in the city would impair the public health, safety, convenience, general welfare, and tax base.

(2) The requirements in this chapter relating to floodplain use and development are intended to comply with the minimum regulatory standards required in ch. NR 116, Wis. Admin. Code and s. 44 CFR 59-72 which relates to the National Flood Insurance Program.

9-3 Purpose

This article promotes the public health, safety, and welfare and is intended to regulate floodplain development to:

(1) protect life, health and property;

(2) minimize expenditures of public funds for flood control projects;

(3) minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(4) minimize business interruptions and other economic disruptions;

(5) minimize damage to public facilities in the floodplain;

(6) minimize the occurrence of future flood blight areas in the floodplain;

(7) discourage the victimization of unwary land and homebuyers;

(8) prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(9) discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

9-4 Areas to be regulated

(a) **Generally**. This article regulates all areas within Washburn that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by the Wisconsin Department of Natural Resources. Base flood elevations (BFEs) are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH Zones on the flood insurance rate maps. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFEs) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) **Annexed areas**. The Bayfield County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

9-5 Municipalities and state agencies regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022, Wis. Stats., applies.

9-6 to 9-20 Reserved

DIVISION 2
MAPS AND DISTRICTS

Sections

9-21	Official floodplain maps	9-23	Locating floodplain boundaries
9-22	Establishment of floodplain zoning districts	9-24	Removal of lands from floodplain

9-21 Official floodplain maps

(a) **Generally**. The boundaries of all floodplain districts are designated as A, AE, AH, AO, or A1-30 on the maps based on the flood insurance study listed below. Any change to the base flood elevations or any change to the boundaries of the floodplain or floodway in the flood insurance study or on the flood insurance rate map must be reviewed and approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency through the letter of map change process (see s. 9-142) before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the Wisconsin Department of Natural Resources. These maps and revisions are on file in the office of the zoning administrator. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) **Official floodplain maps**. The following are adopted for the purpose of this article:

(1) Flood insurance rate map (FIRM) panel numbers 55007C0435D, 55007C0441D, 55007C0442D, 55007C0453D, and 55007C0461D, dated December 16, 2011; with corresponding profiles that are based on the Bayfield County flood insurance study, dated December 16, 2011, volume number 55007CV000A.

(2) If land is annexed and is not included in any of the above-mentioned flood insurance rate map panels, such panel is included in this chapter upon the date of annexation.

9-22 Establishment of floodplain zoning districts

The floodplain overlay district is divided into three districts as follows:

(1) The Floodway District includes the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the flood insurance rate maps.

(2) The Floodfringe District includes that portion between the regional flood limits and the floodway and displayed as AE Zones on the flood insurance rate maps.

(3) The General Floodplain District includes those areas that may be covered by floodwater during the regional flood and does not have a base flood elevation or floodway boundary determined, including A, AH, and AO zones on the flood insurance rate maps.

9-23 Locating floodplain boundaries

(a) **Generally**. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in this section. If a significant difference exists, the map shall be amended according to s. 9-142. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.

(b) **Criteria**. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. Regional flood elevations or base flood elevations shall govern if there are any discrepancies. If flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(c) **Disputes**. If an applicant does not agree with the boundary determination made by the zoning administrator, he or she shall file an administrative appeal as provided for in Division 22 of Article 7. If the Zoning Board of Appeals determines, based on the criteria in this section, that the boundary location is incorrectly mapped, the board should inform the Plan Commission or the person contesting the boundary location to submit an application for a map amendment pursuant to the requirements and procedures in s. 9-142.

9-24 Removal of lands from floodplain

Compliance with the provisions of this division shall not be grounds for removing land from the floodplain unless (1) it is filled at least 2 feet above the regional flood elevation or base flood elevation, (2) the fill is contiguous to land outside of the floodplain, and (3) the map is amended pursuant to s. 9-142.

9-25 to 9-40 Reserved

DIVISION 3
GENERAL PROVISIONS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sections

9-41	General standards	9-44	Docks, piers, wharves, bridges, and similar structures
9-42	Hydraulic and hydrologic analyses	9-45	Floodproofing standards
9-43	Watercourse alterations	9-46	Public or private campgrounds

9-41 General standards

The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter and all other requirements in s. 9-143. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

9-42 Hydraulic and hydrologic analyses

No floodplain development shall obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or cause any increase in the regional flood height due to floodplain storage area lost. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted flood insurance rate map or other adopted map.

9-43 Watercourse alterations

No floodplain permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the regional office of the Wisconsin Department of Natural Resources and the regional office of the Federal Emergency Management Agency, and required the applicant to secure all necessary state and federal permits. The standards in s. 9-42 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation and pursuant to s. 9-142, the city shall apply for a letter of map revision (LOMR) from the Federal Emergency Management Agency. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources through the letter of map correction (LOMC) process.

9-44 Docks, piers, wharves, bridges, and similar structures

Any development that requires a permit from the Wisconsin Department of Natural Resources under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning regulations are made according to s. 9-142.

9-45 Floodproofing standards

(a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.

(b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan prepared by a certified by a registered professional engineer or architect or that meets or exceeds the following standards:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) the bottom of all openings shall be no higher than one foot above grade; and

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Floodproofing measures shall be designed, as appropriate, to (1) withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors; (2) protect structures to the flood protection elevation; (3) anchor structures to foundations to resist flotation and lateral movement; (4) minimize or eliminate infiltration of flood waters; and (5) minimize or eliminate discharges into flood waters.

9-46 Public or private campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Wisconsin Department of Health Services;

(2) A land use permit for the campground is issued by the zoning administrator;

(3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subsection (4) above - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;

(6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;

(7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

(8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Division 4, 6, or 7 for the floodplain district in which the structure is located;

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

9-47 to 9-60 Reserved

DIVISION 4
FLOODWAY DISTRICT

Sections

9-61	Applicability	9-63	Development standards
9-62	Permitted uses	9-64	Prohibited uses

9-61 Applicability

This division applies to all floodway areas on the floodplain zoning maps and those delineated pursuant to s. 9-124.

9-62 Permitted uses

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if they are not prohibited in the underlying zoning district, meet the development standards in this division; and the zoning administrator has issued a floodplain permit:

(1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 9-63(d).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 9-63 and 9-64.

(5) Extraction of sand, gravel, or other materials that comply with s. 9-63(d).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.

(7) Public utilities, streets, and bridges that comply with s. 9-63(c).

9-63 Development standards

(a) **General standards**. Development shall have a low flood damage potential and shall not cause an obstruction or raise the flood elevations upstream and downstream as more fully described in s. 9-41. An applicant shall provide the following data to determine the effects of the proposal according to s. 9-42:

(1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

(2) An analysis calculating the effects of this proposal on regional flood height.

(b) **Structures**. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Must be anchored to resist flotation, collapse, and lateral movement;

(4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) **Public utilities, streets and bridges**. Public utilities, streets and bridges may be allowed by permit, if adequate floodproofing measures are provided to the flood protection elevation, and construction meets the development standards of s. 9-42.

(d) **Fills or deposition of materials**. Fills or deposition of materials may be allowed by permit, if (1) the requirements of s. 9-42 are met; (2) no material is deposited in navigable waters unless a permit is issued by the Wisconsin Department of Natural Resources pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met; (3) the fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and (4) the fill is not classified as a solid or hazardous material.

9-64 Prohibited uses

Any use that is not listed in s. 9-62 is prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Admin. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Admin. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Admin. Code; and

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

9-65 to 9-80 Reserved

DIVISION 5
RESERVED

9-81 to 9-100

DIVISION 6
FLOODFRINGE DISTRICT

Sections

9-101	Applicability	9-103	Development standards
9-102	Permitted uses	9-104	Solid waste disposal

9-101 Applicability

This division applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 9-124.

9-102 Permitted uses

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 9-103 are met, the use is not prohibited by the underlying zoning regulations, and the zoning administrator has issued a floodplain permit.

9-103 Development standards

(a) **General standards**. Development shall not cause an obstruction or raise the flood elevations upstream or downstream as more fully described in s. 9-42.

(b) **Residential structures**. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards.

(1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 9-103(b)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

(3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except that in developments where existing street or sewer line elevations make compliance impractical, the zoning administrator may permit new development and substantial improvements where roads are below the regional flood elevation, if the municipality has written assurance from police, fire and

emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or the municipality has an emergency evacuation plan as approved by the Wisconsin Department of Natural Resources.

(c) **Accessory structures or uses**. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(d) **Commercial structures.** Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 9-103(b). Subject to the requirements of s. 9-103(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) **Manufacturing and industrial uses**. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 9-45. Subject to the requirements of s. 9-103(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(f) **Storage of materials**. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 9-45. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(g) **Public utilities, streets and bridges**. Utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 9-45. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(h) **Sewage systems**. Sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 9-45(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Admin. Code.

(i) **Wells**. Wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 9-45(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Admin. Code.

(j) **Deposition of materials**. Any deposited material must meet all the provisions of this article.

(k) **Manufactured homes**. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities. In an existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse or move laterally during a flood. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 9-103(b).

(l) **Mobile recreational vehicles**. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 9-103(k). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

9-104 Solid waste disposal

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

9-105 to 9-120 Reserved

DIVISION 7
GENERAL FLOODPLAIN DISTRICT

Sections

9-121	Applicability	9-123	Development standards
9-122	Permitted uses	9-124	Determining the extent of the floodway and floodfringe

9-121 Applicability

This division applies to those floodplains mapped as A, AO, or AH zones.

9-122 Permitted uses

Pursuant to s. 9-124, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses listed in s. 9-62 are permitted in the floodway and those uses listed in (s. 9-102 are allowed in the floodfringe within the general floodplain district, according to the standards of s. 9-123, provided the zoning administrator has issued a floodplain permit consistent with this division.

9-123 Development standards

(a) The development standards in Division 4 apply to floodway areas and the standards in Division 6 apply to floodfringe areas. The rest of this article applies to either district.

(b) In AO and AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

(1) at or above the flood protection elevation; or

(2) 2 feet above the highest adjacent grade around the structure; or

(3) the depth as shown on the flood insurance rate map.

(c) In AO and AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

9-124 Determining the extent of the floodway and floodfringe

(a) **Request for determination**. Upon receiving an application for development within the general floodplain district, the zoning administrator shall require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the flood insurance rate map and require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(1) A hydrologic and hydraulic study as specified in s. 9-143.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and

(3) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(b) **Determination**. The extent of the floodway and floodfringe shall be as determined by the Wisconsin Department of Natural Resources.

9-125 to 9-140 Reserved

DIVISION 8
ADMINISTRATION

Sections

9-141 Certificate of compliance	9-144 Record of nonconforming uses and structures
9-142 Amendments	9-145 Public information
9-143 Hydraulic and hydrologic studies	

9-141 Certificate of compliance

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(2) Application for such certificate shall be concurrent with the application for a permit;

(3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(4) The applicant shall submit a certificate signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued.

(5) If the project involves floodproofing measures, the applicant shall submit a certificate signed by a registered professional engineer or architect stating that the requirements of s. 9-45 are met.

9-142 Amendments

(a) **Obstructions or increases**. Obstructions or increases may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles consistent with this section.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain zoning maps, floodway lines, and water surface profiles, consistent with this section. Any such alterations must be reviewed and approved by the Federal Emergency Management Agency and the Wisconsin Department of Natural Resources.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from the Federal Emergency Management Agency and amendments are made to this chapter, the official floodplain maps, floodway lines, and water surface profiles, consistent with this section.

(b) **Generally**. The Common Council may change the floodplain overlay district boundaries and the text of this article pursuant to the requirements and procedures in Division 1 of Article 7. Actions requiring an amendment include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the flood insurance rate map;

(3) Any changes to any other officially adopted floodplain maps listed in s. 9-22;

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to floodplain zoning regulations required by s. NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the municipality; and

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by the Federal Emergency Management Agency.

(c) **Flood easements**. A person petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9-143 Hydraulic and hydrologic studies

(a) **Generally**. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.

(b) **Zone A floodplains**. For projects located in a Zone A floodplain, the following provisions apply:

(1) **Hydrology**. The appropriate method shall be based on the standards in s. NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.

(2) **Hydraulic modeling**. The regional flood elevation shall be based on the standards in s. NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

(i) Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

(ii) Chanel sections must be surveyed.

(iii) Minimum 4-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

(iv) A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

(v) The most current version of HEC-RAS shall be used.

(vi) A survey of bridge and culvert openings and the top of road is required at each structure.

(vii) Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

(viii) Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

(ix) The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(3) **Mapping**. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

(i) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

(ii) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(c) **Zone AE Floodplains**. For projects located in a Zone AE floodplain, the following provisions apply:

(1) **Hydrology**. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on s. NR 116.07(3), Wis. Admin. Code, entitled *Hydrologic Analysis: Determination of Regional Flood Discharge*.

(2) **Hydraulic model**. The regional flood elevation shall be based on the standards in s. NR 116.07(4), Wis. Admin. Code, entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

(i) **Duplicate Effective Model**. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous flood insurance study model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the flood insurance study profiles and the elevations shown in the floodway data table in the flood insurance study report to within 0.1 foot.

(ii) **Corrected Effective Model**. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Wisconsin Department of Natural Resources review.

(iii) **Existing (Pre-Project Conditions) Model**. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

(iv) **Revised (Post-Project Conditions) Model**. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

(v) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans, and survey notes.

(vi) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

(3) **Mapping**. Maps and associated engineering data shall be submitted to the Wisconsin Department of Natural Resources for review which meet the following conditions:

(i) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps, construction plans, bridge plans.

(ii) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the flood insurance rate map may be more easily revised.

(iii) Annotated flood insurance rate map panel showing the revised 1 percent and 0.2 percent annual chance floodplains and floodway boundaries.

(iv) If an annotated flood insurance rate map and/or flood boundary floodway maps and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System consistent with mapping specifications established by the Federal Emergency Management Agency.

(v) The revised floodplain boundaries shall tie into the effective floodplain boundaries.

(vi) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

(vii) Both the current and proposed floodways shall be shown on the map.

(viii) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

9-144 Record of nonconforming uses and structures

(a) **Nonconforming uses**. The zoning administrator shall maintain a list of those properties that contain a nonconforming use.

(b) **Nonconforming structures**. The zoning administrator shall maintain a list of those properties that have a nonconforming structure. For every such structure, the following information shall be recorded:

(1) present assessed value,

(2) cost of all modifications or additions which have been permitted, and

(3) percentage of the structure's total current value those modifications represent.

9-145 Public information

(a) The zoning administrator shall place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data, and regulations shall be available and widely distributed.

(c) Real estate transfers should show what floodplain district any real property is in.

9-146 to 9-150 Reserved

DIVISION 9

NONCONFORMITIES

Sections

9-151 General	
9-152 Nonconformities in floodway district	
9-153 Nonconformities in floodfringe district	

9-151 General

(a) **Generally**. As used in this division, the words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements in Article 9. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 9-103(b)(3). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50 percent of its present assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable

requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 9-103(b)(3).

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50 percent of the present assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 9-103(b)(3).

(g) Except as provided in subsection (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(1) Residential.

a. The lowest floor, including basement, is elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 9-45(b).

b. The structure is anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.

e. In AO Zones with no elevations specified, the lowest floor, including basement, meets the standards in s. 9-123(b).

f. In AO Zones, adequate drainage paths around structures are provided on slopes to guide floodwaters around and away from the structure.

(2) Nonresidential structures.

a. Shall meet the requirements of subsection (h)(1)a-f.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 9-45(a) or (b).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 9-123(b).

(3) Historic structures. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 9-63(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 9-45 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 9-145(h) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

9-152 Nonconformities in the floodway district

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:

(1) has been granted a permit or variance which meets all ordinance requirements;

(2) meets the requirements of s. 9-151;

(3) shall not increase the obstruction to flood flows or regional flood height;

(4) any addition to the existing structure shall be floodproofed, pursuant to s. 9-45, by means other than the use of fill, to the flood protection elevation; and

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking, building access, or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 9-45(c) and ch. SPS 383, Wis. Admin. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, s. 9-45(c) and chs. NR 811 and NR 812, Wis. Admin. Code.

9-153 Nonconformities in the floodfringe district

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 9-103 except where subsection (b) is applicable.

(b) Where compliance with the provisions of subsection (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Division 26 of Article 7, may grant a variance from those provisions of subsection (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if (i) no floor is allowed below the regional flood elevation for residential or commercial structures; (ii) human lives are not endangered; (iii) public facilities, such as water or sewer, shall not be installed; (iv) flood depths shall not exceed 2 feet; (v) flood velocities shall not exceed 2 feet per second; and (vi) the structure shall not be used for storage of materials as described in s. 9-103(g).

(c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 9-45(c) and ch. SPS 383, Wis. Admin. Code.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 9-45(c), and ch. NR 811 and NR 812, Wis. Admin. Code.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 10
RESERVED

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 11
SHORELAND-WETLAND OVERLAY DISTRICT

Sections

11-1	Legislative findings	11-6	Permitted activities
11-2	Purpose	11-7	Prohibited activities
11-3	Wetland functions	11-8	Nonconformities
11-4	Boundary of district		
11-5	Discrepancies between delineated wetlands and field conditions		

11-1 Legislative findings

The Common Council makes the following legislative findings relating to the shoreland-wetland overlay district:

(1) Cities are required by s. 62.231, Wis. Stats., to adopt shoreland-wetland zoning regulations within 6 months after receipt of final wetland inventory maps prepared by the Wisconsin Department of Natural Resources.

(2) The City of Washburn adopted such regulations on April 14, 1986.

(3) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

11-2 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(1) maintain the storm and flood water storage capacity of wetlands;

(2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(3) protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

(4) prohibit certain uses detrimental to the shoreland-wetland area; and

(5) preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

11-3 Wetland functions

In the context of this article, wetlands serve the following important functions:

(1) storm and flood water storage capacity;

(2) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

(3) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

(4) shoreline protection against erosion;

(5) fish spawning, breeding, nursery or feeding grounds;

(6) wildlife habitat; or

(7) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

11-4 Boundary of district

The shoreland-wetland overlay district includes those areas designated as a wetland on the wetland inventory map with a date of November 12, 1985 that (1) are 5 acres or more; (2) are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or are located within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater; (4) were not legally filled before November 12, 1985 and cannot be classified as a wetland; (5) are not located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Wis. Stats.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under article 9 of this article are used in determining the extent of the 100-year floodplain.

11-5 Discrepancies between delineated wetlands and field conditions

If the zoning administrator believes there is a discrepancy between the wetland inventory map and actual field conditions at the time the map was adopted, he or she shall contact the district office of the Wisconsin Department of Natural Resources and request a determination. If the Department determines that the area in question was incorrectly mapped as a wetland, this article shall not apply to such area. As soon as is practical after such determination, the zoning administrator shall submit an application to amend the zoning map consistent with the procedures and requirements in Article 7.

11-6 Permitted activities

(a) **No zoning permit required**. The following uses are allowed without issuance of a zoning permit, provided there is no wetland alteration:

(1) hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;

(2) the harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(3) the practice of silviculture, including the planting, thinning, and harvesting of timber;

(4) the pasturing of livestock;

(5) the cultivation of agricultural crops; and

(6) the construction and maintenance of duck blinds.

The following uses, which may involve wetland alterations, are allowed without issuance of a zoning permit, provided any wetland alterations comply with the specified terms:

(1) the practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) the cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) the maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) the construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) the construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

(6) the installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in s. 11-3; and

(7) the maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(b) **Permit required**. Upon issuance of a zoning permit, the following uses are allowed, which may involve wetland alterations but only to the extent specifically provided below:

(1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted in this section provided (i) the road cannot, as a practical matter, be located outside the wetland; (ii) the road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in s. 11-3; (iii) the road is designed and constructed with the minimum cross sectional area practical to serve the intended use; (iv) road construction activities are carried out in the immediate area of the roadbed only; and (v) any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided (i) the building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals; (ii) the building cannot, as a practical matter, be located outside the wetland; (iii) the building does not exceed 500 square feet in floor area; and (iv) only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided (i) any private development allowed under this paragraph shall be used exclusively for the permitted purpose; (ii) only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed; (iii) the construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subsection b(1) above; and (iv) wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided (i) the utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; (ii) only limited filling or excavating necessary for such construction or maintenance is allowed; and (iii) such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in s. 11-3.

11-7 Prohibited uses

Any use not listed in this article as being permitted, is prohibited. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are strictly prohibited.

11-8 Nonconformities

Nonconforming structures and uses shall comply with the requirements in Article 21.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 12
WELLHEAD PROTECTION OVERLAY DISTRICT

Sections

12-1	Legislative findings	12-4	Nonconforming uses
12-2	Boundary of district	12-5	Responsibility for contamination cleanup
12-3	Permitted uses		

12-1 Legislative findings

The Common Council makes the following legislative findings relating to wellhead protection:

(1) The residents of the City of Washburn depend exclusively on groundwater for a safe drinking water supply.

(2) Certain land use practices and activities can seriously threaten or degrade groundwater quality.

(3) The City has the authority to adopt regulations relating to wellhead protection under s. 62.23(7)(a) and (c), Wis. Stats.

(4) Regulations in this chapter relating to wellhead protection are adopted to promote the public health, safety, and general welfare of city residents.

12-2 Boundary of district

The boundary of the wellhead protection overlay district extends from the center of a public wellhead for a distance of 1,200 feet in all directions. Such boundary is based on the wellhead protection plan adopted by the Common Council on September 14, 2015.

12-3 Permitted land uses and activities

(a) **Generally**. The land uses/activities listed in Exhibit 12-1 are permitted provided the various restrictions are maintained and the use/activity is otherwise allowed in the base zoning district under this code. All other uses are prohibited.

(b) **Amendment of this section**. Land uses that are prohibited pose a high risk of polluting the groundwater based upon the combined pollution experience of many individual uses, and the technology generally employed. As the technology of these prohibited uses change to low or non-risk materials or methods, the above list of permitted uses may be amended consistent with the procedures and requirements in Article 7. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

Exhibit 12-1. Permitted land uses and activities

Minimum separation between well and land use /activity [1]	Permitted land use/activity
none	Biking, hiking, skiing, nature, equestrian, and fitness trails
none	Public and private parks, playgrounds, beaches, provided such use is connected to a municipal sanitary sewer service if sanitary service is provided (holding tanks and on-site systems are not permitted)
none	Wildlife management, open space, and similar uses
none	Routine tillage, planting, and field management operations related to crop production provided (1) herbicides and pesticides are not applied to the ground surface, (2) animal waste is not applied to the ground surface, and (3) the combination of all other nutrient sources applied or available do not exceed those thresholds established or recommended by the Bayfield County Land & Water Conservation Department, or alternatively the Natural Resources Conservation Service (NRCS).
none	Multi-family dwelling units provided such use is connected to a municipal sanitary sewer service
none	Single-family dwelling on a lot consisting of 20,000 square feet or more and is connected to a private on-site sewage treatment system
none	Above-ground liquid propane gas tanks for heating with a maximum capacity of 1,000 gallons
200 feet	Single-family residential fuel oil tank
50 feet	Storm sewer main
200 feet	Sanitary sewer main, sanitary sewer manhole, and sanitary lift station. A lesser separation distance may be allowed for sanitary sewer mains if the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
400 feet	Septic tank or soil adsorption unit receiving less than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
1,000 feet	Septic tank or soil adsorption unit receiving more than 8,000 gallons per day provides such system complies with all local and state requirements for on-site sewage treatment systems
400 feet	Storm water drainage pond or conveyance facility
600 feet	Gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Safety and Professional Services or its designated agent under s. Comm 10.10, Wis. Admin. Code.
none	Institutional, commercial, and industrial land uses provided such use is connected to a municipal sanitary sewer service, except that the following are strictly prohibited: motor vehicle fuel stations, vehicle repair establishments, auto body repair, printing and duplicating businesses, facilities involving manufacturing or industrial processes, bus or truck terminals, repair shops of all types, solid waste disposal or handing facilities, wastewater treatment facilities, spray wastewater facilities, junk yards or auto salvage yards, bulk fertilizer and/or pesticide facilities, asphalt products manufacturing, dry cleaning businesses, salt storage, electroplating facilities, exterminating businesses, paint and coating manufacturing, hazardous and/or toxic materials storage, hazardous and/or toxic waste facilities, radioactive waste facilities, recycling facilities, cemeteries, underground storage tanks of any size, and any other use determined by the zoning administrator to pose a high-risk of polluting the groundwater.

Notes:

1. See s. NR 811.12, Wis. Admin. Code

12-4 Nonconforming uses

Land uses that were legally established, but do not comply with the regulations in this article are nonconforming and are subject to the requirements set forth in Article 21. In addition, the operator of a nonconforming use shall (1) provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City; (2) provide additional environmental or safety structures/monitoring as deemed necessary by the Common Council, which may include but is not limited to stormwater runoff management and monitoring; replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence; and (4) prepare and submit a contingency plan satisfactory to the zoning administrator for the immediate notification of city officials in the event of an emergency.

12-5 Responsibility for contamination cleanup

An individual and/or facility that releases a contaminant in the wellhead protection overlay district that has the potential of endangering the municipal water supply shall immediately stop the release and clean up the

contaminant to the satisfaction of the Common Council and other state and federal regulatory agencies. The individual/facility shall be responsible for all costs of cleanup, including those incurred by the City, which may include:

(1) consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation;

(2) the cost of city employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city administrator representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

(3) the cost of city equipment used in the response and cleanup; and

(4) the cost of mileage reimbursed to city employees attributed to the cleanup.

The Common Council may require the responsible party to establish a monitoring program based on the nature of the contamination and the risk posed to the municipal water supply. In addition, the Common Council may require the responsible party to provide a financial security in such amount and type it deems necessary to safeguard the municipal water supply.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 13
SHORELAND OVERLAY DISTRICT

Sections

13-1	Legislative findings	13-4	Vegetation management within shoreline buffer zone
13-2	Purpose	13-5	Shoreline setback
13-3	Boundary of district	13-6	Boathouses

13-1 Legislative findings

The Common Council makes the following legislative findings relating to the shoreland overlay district:

(1) Cities are required by s. 62.233, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section.

(2) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

13-2 Purpose

This article promotes the public health, safety, and welfare and is intended to:

(1) further the maintenance of safe and healthful conditions and prevent and control water pollution;

(2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;

(3) control the placement of principal buildings by establishing setbacks from waterways; and

(4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

13-3 Boundary of district

The shoreland overlay district includes land located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Section 13-1-85 of this chapter are used in determining the extent of the 100-year floodplain.

13-4 Vegetation management within shoreline buffer zone

(a) **Applicability of section**. The requirements of this section only apply to those parcels annexed by an ordinance adopted by the Common Council with an effective date after December 31, 2015.

(b) **General requirement**. Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this subsection. Vegetation listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission. Vegetation may be removed to create and maintain a viewing/access corridor no more than 30 feet wide for every 100 feet of shoreline frontage.

13-5 Shoreline setback

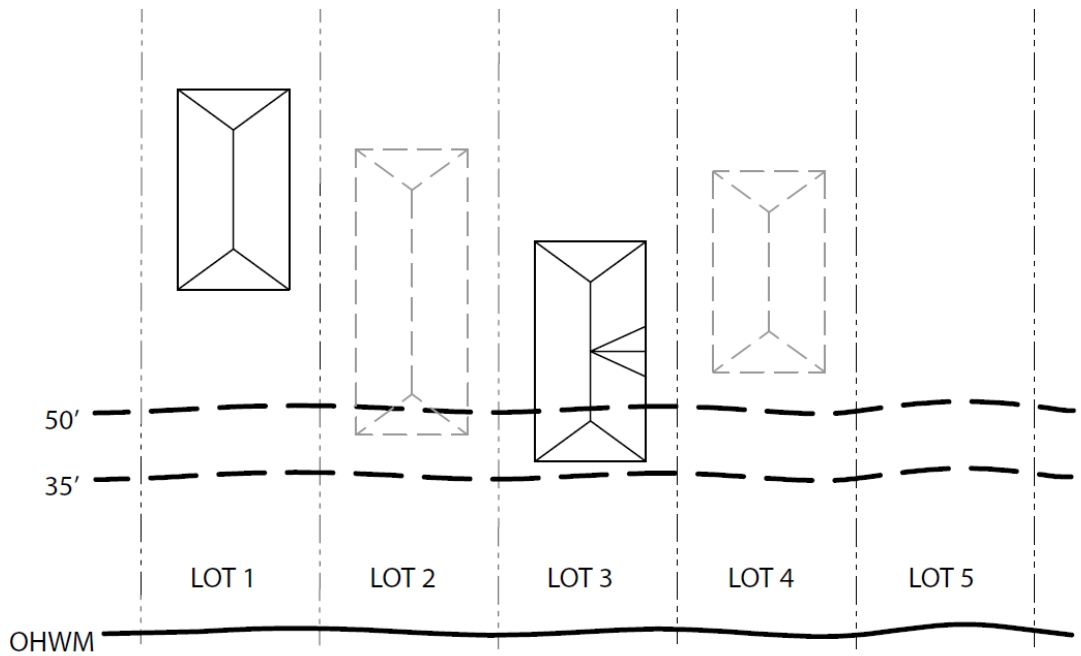
(a) **Principal buildings**. Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

(1) 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.

(2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

(b) **Accessory buildings**. Accessory buildings shall comply with the setback standards for principal buildings described in this subsection except that a boathouse may be constructed within 35 feet of the ordinary high-water mark as set forth in s. 13-6.

Exhibit 13-1. Shoreline setback requirements



Key

Lot 1 The principal building is existing and is more than 50 feet from the ordinary high-water mark (OHWM)

Lot 2 The lot is vacant. Because the lots on both sides have a principal building, setback averaging may be used, but the setback may not be less than 35 feet. In the instance depicted above, the setback would be calculated as follows: (50 feet plus the actual distance of the building on Lot 3) divided by 2.

Lot 3 The principal building is existing and is less than 50 feet from the ordinary high-water mark.

Lot 4 The lot is vacant. A principal building on this lot must comply with the 50-foot setback requirement because setback averaging does not apply (i.e., a principal building is only on one side).

Lot 5 The lot is vacant.

13-6 Boathouses

A boathouse if otherwise allowed may be constructed within the shoreland overlay district consistent with each of the following requirements:

(1) The boathouse shall be located in the viewing/access corridor as allowed in s. 13-5.

(2) The boathouse shall be designed and constructed solely for the storage of watercraft and related equipment; human habitation is strictly prohibited.

(3) One boathouse is permitted on a lot as an accessory structure.

(4) The boathouse shall not be constructed where the existing slope is more than 20 percent.

(5) The boathouse shall not be closer than 5 feet to the ordinary high-water mark of the stream or lake on which it fronts. A boathouse shall not be closer than 5 feet to a side lot line.

(6) If the boathouse is located, in whole or in part, within the floodplain overlay district, all applicable standards of that district shall apply.

(7) The boathouse shall not exceed 12 feet in height at the roof peak above the original grade or final grade as measured on the side facing the waterbody.

(8) The floor area of the boathouse shall not exceed 450 square feet.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 14
DOWNTOWN DESIGN OVERLAY DISTRICT

Sections

14-1	Legislative findings	14-7	Building design
14-2	Purpose	14-8	Off-street parking and access
14-3	District boundaries	14-9	Landscaping
14-4	General compliance	14-10	Service areas and similar
14-5	Project review procedures	14-11	Signs
14-6	Building setbacks	14-12	Utilities

14-1 Legislative findings

The Common Council makes the following legislative findings:

(1) Washburn's downtown area contains a variety of building types, many of which represent an architectural style characterized by attached storefronts.

(2) Given the close proximity of buildings in the downtown, special rules and regulations are needed to protect and perpetuate the existing character of the area.

(3) The standards in this article are not intended to discourage development but to encourage development that is functional, attractive, and context sensitive.

14-2 Purpose

This article is established to promote the public health, safety, and welfare and is intended to protect and perpetuate the general architectural style within the overlay district.

14-3 District boundaries

The location of the downtown design overlay district is depicted on the zoning map described in s. 8-25.

14-4 General compliance

Given the pattern of existing development in this overlay district and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the district to be consistent with all of the design standards specified in this article. Therefore, prior to any major work (herein described) the appropriate reviewing authority shall ensure that the proposed work is consistent with the intent of the design standards when considered as a whole.

14-5 Project review procedures

(a) **Minor work without prior approval**. The following work may proceed without prior approval, provided a building permit is issued if required:

(1) residing with appropriate materials;

(2) repair or replacement of windows, trim, and doors if new materials match existing;

(3) installation or removal of door and window openings not visible from Bayfield Street;

(4) chimney reconstruction if completed with similar materials;

(5) exterior cleaning, refinishing, and tuck-pointing; and

(6) any other similar work as determined by the zoning administrator.

Prior to the commencement of any work, a property owner may ask the zoning administrator to review the proposed work to determine if it is classified as minor work and/or otherwise complies with the standards in this article.

(b) **Major work**. Any work not classified as minor work in this section shall be reviewed using the procedures specified below.

(1) buildings - architectural review

(2) site work - site plan

(3) signs - sign permit

Examples of major work includes relocation of an existing building, construction of a new building, addition to an existing building, alteration of a building elevation, alterations to windows, siding, entries, and trim, erection of new signs or modification of existing signs, changes to the site including parking, pedestrian circulation, and the like.

14-6 Building setbacks

The setback of buildings from street-yard and side-yard lot lines shall be compatible with existing buildings in the immediate area.

14-7 Building design

In addition to meeting the standards in Division 9 of Article 8, buildings shall comply with each of the following:

(1) **Building height**. The height of a building shall not be more than one story taller or shorter than the height of the adjoining building. In no event, shall the height of a building exceed the maximum building height established for the base zoning district.

(2) **Building mass**. The mass of a building (i.e., relationship between façade height and width) shall be compatible with existing buildings in the immediate area.

(3) **Special requirements for large buildings**. A building façade fronting on a public street with a frontage of 150 feet or more shall be designed to look like two or more individual building fronts. This may be achieved by using different building materials, facade articulations, or other design approach that gives the appearance of separate, but attached buildings.

(4) **Horizontal rhythms**. The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building.

(5) **Vertical rhythms**. The floor heights on main façades shall complement those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices, and sign bands shall be compatible in design and elevation with adjoining buildings in immediate area.

(6) **Roof forms**. Flat or gently sloping roofs which are not visible from the street grade shall generally be used. Mansards or other exotic roof shapes are not characteristic of the district's character and are prohibited.

(7) **Awnings**. The size, color, placement, and design of an awning should be complement the architectural character of the building on which it is located. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Awnings covered with shingles, metal roofing, or the like are prohibited. Backlit awnings are prohibited.

(8) **Building materials**. Selected building materials shall be compatible with those of existing buildings in the immediate area which generally consist of natural materials such as stone, brick, and wood. Concrete masonry units, corrugated metal, half-log siding, and vinyl siding are prohibited.

14-8 Off-street parking and access

(a) **Placement**. Off-street parking should be located to the rear of the principal building, or on the side as a less preferable alternative.

(b) **Paving**. New parking lots that are located to the side of a building shall be hard surfaced (e.g., interlocking pavers, asphalt, or concrete).

(c) **New curb-cuts**. New curb-cuts shall occur on the side streets rather than on Bayfield Street.

(d) **Screening**. Parking lots that are located on the side of a building should incorporate a screen to block the view of parked cars as generally depicted in Exhibit 14-1.

Exhibit 14-1. An example of a parking lot screen

14-9 Landscaping

Landscaping as described in Article 16 is not required. If provided, landscaping should complement street trees and other streetscape elements in the public right-of-way.

14-10 Service areas and similar

Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, especially from Bayfield Street.

14-11 Signs

(a) **Generally**. Signs should enhance the visual appeal of the district and its ability to attract the traveling public.

(b) **Wall signs**. Wall signs should be designed to fit within the architectural space intended for signage.

(c) **Compatibility**. Signs should be compatible with signs on adjoining buildings with respect to location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.

14-12 Utilities

Utility lines, such as telephone, electric, and cable, shall be installed underground, where feasible. Ground-mounted utility components, such as switch boxes and transformers, shall be screened by landscaping or a decorative wall and/or be located away from public view, especially from Bayfield Street.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 15
RESERVED

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 16
LANDSCAPING AND BUFFERYARDS

Divisions

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DIVISION 1
GENERAL PROVISIONS

Sections

16-1	Legislative findings	16-7	Credit for preserving existing trees and shrubs
16-2	Purpose	16-8	General design and placement guidelines
16-3	Applicability	16-9	Plant diversity
16-4	Landscape plan	16-10	Maintenance
16-5	Description of landscape points and classification of plants	16-11	Use of low-water-adaptive vegetation
16-6	Specifications for landscape materials	16-12	Berms

16-1 Legislative findings

The Common Council makes the following legislative findings:

(1) A healthy environment is an indication of a healthy community.

(2) Landscaping helps to maintain and increase property values, which helps to protect public and private investment in a community.

(3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.

(4) Landscaping helps to reduce the "heat-island" effect by shading parking lots, streets, and other hard-surfaced areas.

(5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.

(6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.

(7) Xeriscape planting techniques help promote water and energy conservation.

(8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

16-2 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

(1) make Washburn more attractive and aesthetically pleasing;

(2) provide flexible standards where possible, rather than overly prescriptive requirements;

(3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;

(4) Improve the aesthetic appearance of the built environment;

(5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;

(6) create aesthetically pleasing tree-lined streetscapes;

(7) promote economic development by providing a high quality of life;

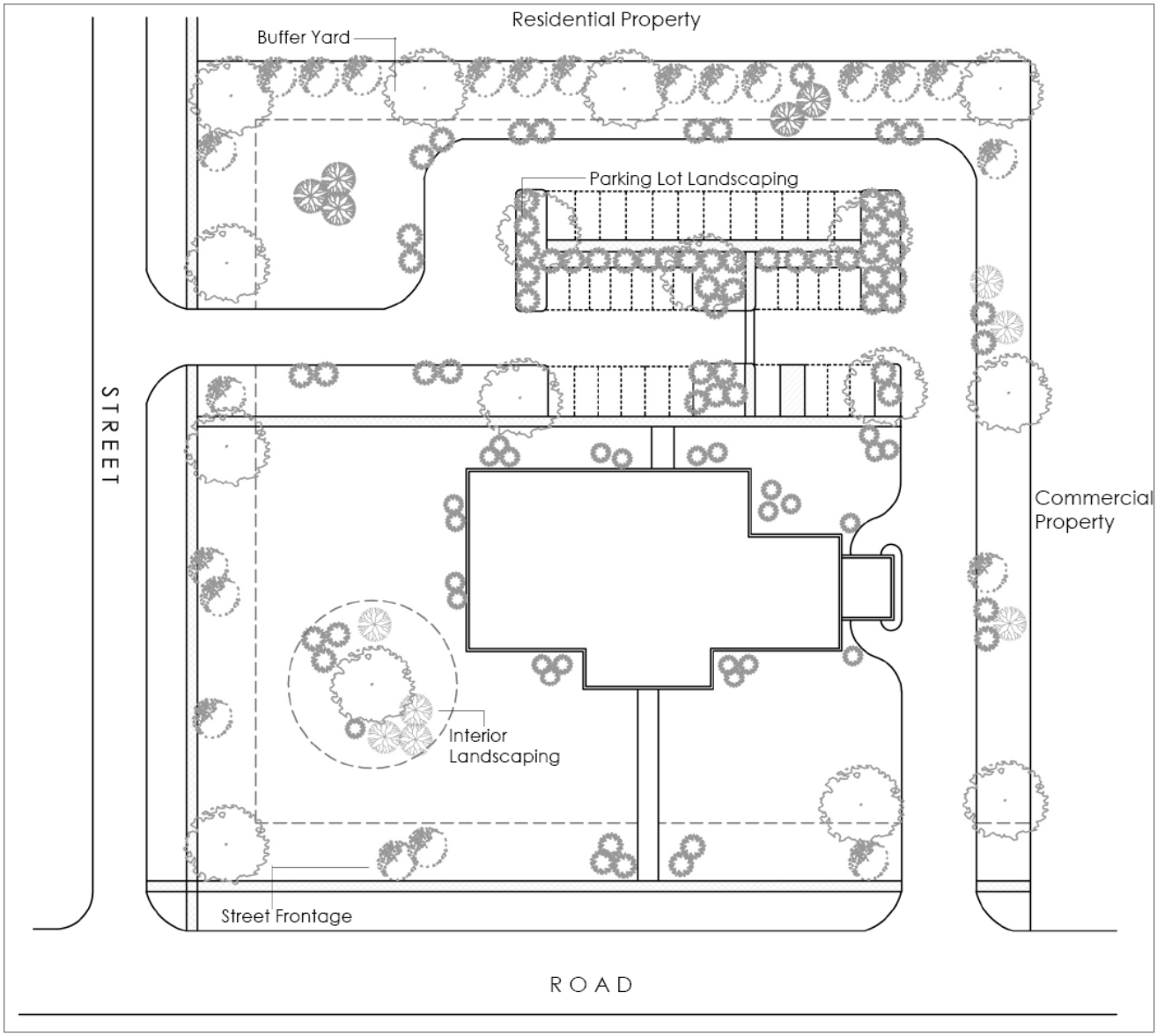
(8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and

(9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

16-3 Applicability

The provisions of this article apply to different areas as generally depicted in Exhibit 16-1.

Exhibit 16-1. General applicability of landscape and bufferyard requirements



16-4 Landscape plan

A landscape plan shall consist of a completed worksheet as may be used by the zoning administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing shall be drawn at the same scale as the site plan drawing.

16-5 Description of landscape points and classification of plant species

(a) **Generally**. The required level of landscape plants is stated in terms of landscape points. As shown in Exhibit 16-2, a different number of points are assigned to each of the plant categories depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. Species generally suitable for use in northern Wisconsin are listed and those native to the state are denoted.

(b) **Plants not listed**. The species list in Exhibit 16-2 is not meant to be exhaustive. Therefore, the zoning administrator shall review proposals for, and the applicability of, species not contained in this list, and is authorized to approve appropriate similar species using "A guide to selecting landscape plants for Wisconsin" as a guide.

(c) **Prohibited plants**. Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency shall not be planted and shall not be used to meet the requirements of this article.

(d) **Plant hardiness**. Selected plants should be hardy in the area where they are planted (Zone 3 or 4).

16-6 Specifications for landscaping materials

(a) **Generally**. All plant material shall be healthy, vigorous, and free of disease and insects.

(b) **Minimum planting size**. Trees and shrubs shall meet the minimum planting size established in Exhibit 16-3. Further, trees and shrubs shall meet the specifications contained in the most current edition of *American Standard for Nursery Stock* for the corresponding planting size.[1]

(c) **Turf**. Turf areas may be sodded or seeded. In areas subject to erosion, sod shall be used. Sod shall be commercially grown and clean and free of weeds, noxious pests, and diseases.

(d) **Mulch**. Where mulch is used as a ground treatment, it shall be applied to a maximum depth of 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth.

Exhibit 16-3. Minimum planting size

Plant category	Minimum planting size
Tree	
Tall deciduous tree	1¼ " caliper
Medium deciduous tree	1¼" caliper
Low deciduous tree	¾" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	36" tall
Medium deciduous shrub	24" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

[1] Commentary: This publication is published by the American Nursery & Landscape Association and is an approved American national standard (ANSI Z60.1-2004).

Exhibit 16-2. Classification of plants

Type and point value	Botanical name	Common name
Tall deciduous trees (30 points) (40-100 feet)	*Acer* spp.	maple: Norway, red [1], silver [1], sugar [1]
	Celtis occidentalis	Hackberry [1]
	Fraxinus spp.	ash [2]
	Ginkgo biloba	ginkgo
	Gleditsia triancanthos	honey locust [1]
	Gymnocladus dioicus	espresso Kentucky coffeetree
	Quercus spp.	oak: red [1], white [1], pin, bur [1]
	Tilia spp.	linden: basswood [1], littleleaf, redmond
	Ulmus spp.	accolade, cathedral, new horizon (hybrids only)
Medium deciduous trees (15 points) (30-40 feet)	Aesculus glabra	Ohio buckeye
	Betula spp.	birch: river [1], paper [1]
	Phellodendron amurense "Macho'	Macho amur corktree
	Prunus spp.	cherry: choke [1], pin [1]
	Prunus Mackii	amur chokecherry
Low deciduous trees (10 points) (15-30 feet)	Acer ginnala	amur maple
	Amelanchier spp.	serviceberry
	Crataegus spp.	hawthorn: cockspur [1], dotted [1], downy [1], Washington
	Malus spp.	crabapple spp.
	Sorbus spp.	mountain ash: European, showy [1]
	Prunus americana	American plum
	Ostrya virginiana	Ironwood
Tall evergreen trees (40 points)	*Abies concolor*	white fir
	Picea spp	Spruce: Norway, white
	Pinus spp.	pine: red [1], white [1], Scots
	Tsuga canadensis	Canada hemlock
Medium evergreen trees (20 points)	*Thuja occidentalis*	American arborvitae
Low evergreen trees (12 points)	*Juniperus* spp.	juniper: mountbatten, redcedar [1]
	Thuja spp.	arborvitae: pyramidal, techny
Tall deciduous shrubs (5 points)	*Cornus* spp.	dogwood: gray [1], pagoda, red [1]
	Rhus spp.	sumac: smooth [1], staghorn [1]
	Syringa spp.	lilac: Chinese, hyancinth
	Viburnum spp.	viburnum: arrowwood, wayfaringtree, nannyberry [1]
Medium deciduous shrubs (3 points)	*Corylus americana*	American filbert, hazelnut
	Cotoneaster spp.	cotoneaster
	Forsythia spp.	forsythia: border, early, weeping
	Rosa spp.	rose: Virgina, rugosa
Low deciduous shrubs (1 point)	*Berberis thunbergii*	Japanese barberry
	Spirea spp.	spirea: froebel, snowmound
Medium evergreen shrubs (5 points)	*Juniperus chinensis*	juniper: Pfitzer
	Taxus spp.	yew: Japanese
Low evergreen shrubs (3 points)	*Juniperus* spp.	juniper: sargent, creeping, andorra

Notes:
1. Native to Wisconsin
2. Only those species that are not susceptible to the emerald ash borer may be used
3. See "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865 for more plants.
4. The above table may include plants that are not suitable for Zones 3 or 4.

16-7 Credit for preserving existing trees and shrubs

(a) **Generally**. Landscape plantings as required by this article may be satisfied in whole, or in part, by preserving existing trees and shrubs on the subject property.

(b) **Allocation of credits**. An existing tree shall be credited based on its size as shown in Exhibit 16-4. An existing shrub shall be credited on a one-for-one basis regardless of size.

(c) **Location of trees and shrubs**. A tree eligible for credit shall be located within 10 feet of a required bufferyard or parking lot to which the credit is to be applied or within the street terrace. A shrub eligible for credit shall be located within the area to which the credit is to be applied.

(d) **Condition of trees to be used as credit**. In order to use an existing tree or shrub as credit, the following conditions shall be satisfied:

(1) The area within the critical root radius (1.5 feet for every diameter inch or 6 feet away from the tree trunk, whichever is greater), shall be preserved in its natural state or covered with pervious landscape material and shall be retained at original grade with no trenching, cutting of any roots, or compaction of soil.

(2) Prior to the commencement of any land-disturbing activity and during the life of the construction project, a temporary barrier shall be placed around the tree at the drip line or 6 feet away from the tree trunk, whichever is greater. Such barrier may consist of a plastic mesh or snow fence with poles not more than 15 feet apart.

Exhibit 16-4. Allowable tree credits

Caliper of existing tree	Number of trees credited
2 inches up to 6 inches	1
6 inches up to 12 inches	2
12 inches up to 16 inches	3
16 inches and greater	4

(3) The existing stock shall not be damaged from skinning, barking, and the like.

(4) The existing stock shall be healthy and free from disease, damage, and active insect infestation potentially lethal to the tree.

(5) The species is one of the plant species listed in Exhibit 16-2.

Exhibit 16-5. Minimum separation from specified objects

	Tree	Shrub
Driveway	10'	6'
Fire hydrant	8'	6'
Utility pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	30'	30'

16-8 General design and placement guidelines

(a) **Random placement**. To the extent possible, plants shall be randomly placed so as to give a natural appearance.

(b) **Planting beds**. Where required, shrubs shall be placed in planting beds with mulch.

(c) **Proximity to specified features**. Trees and shrubs shall be separated from driveways, fire hydrants, utility poles, and utility pedestals and cabinets as listed in Exhibit 16-5.

(d) **Proximity to overhead utility lines and the like**. Trees and shrubs shall not be placed where they will require frequent pruning in order to avoid interference with overhead utility lines, buildings, or other structures.

(e) **Within vision triangle**. Landscaping within a vision triangle shall be consistent with the standards in s. 8-76.

(f) **Integration with natural amenities**. When a site abuts a natural amenity such as a stream, park, or other open space, the landscape plan shall integrate with, and respect the natural integrity of the amenity.

(g) **Integration with stormwater facilities**. Detention and retention ponds shall be designed to be physically, functionally, and visually integrated into adjacent landscape areas.

Exhibit 16-6. Plant diversity requirements and recommendations

Required number of plants	Maximum proportion of tree species in same genus	Recommended proportion of same species for shrubs
11 to 20	30%	25%
21 to 30	25%	20%
31 to 40	20%	15%
41 to 50	15%	10%
51 and more	10%	10%

16-9 Plant diversity

(a) **Tree species**. The maximum number of required trees in the same genus shall comply with the proportions established in Exhibit 16-6. For example, if three tree species are required, a species in three different genuses must be used (e.g., *Quercus* - oaks, *Acer* - maples, *Pinus* - pines).

(b) **Shrub species**. It is recommended that the proportion of required shrubs and ground cover follow the standards established in Exhibit 16-6, except that different species within the same genus may be used.

16-10 Maintenance

(a) **Generally**. All landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris.

(b) **Responsibilities**. The current landowner shall be responsible for maintaining the vegetation, irrigation system, screening devices, and other landscape components as may be required by this article.

(c) **Maintenance practices**. Maintenance shall consist of regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage shall be treated as appropriate.

(d) **Replacement, generally**. Plant materials which were planted as required by this article or which were used as a credit and which die or are irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this article.

(e) **Replacement following a natural disaster**. Plant materials that were planted as required by this article or which were used as a credit and which die or are irreparably damaged due to a natural disaster, such as area-wide flooding or high wind, shall, within 2 years of such event, be removed and replaced with plant materials consistent with the approved landscape plan or as required by this article. With just cause, the Common Council may on a case-by-case basis grant an extension of 2 additional years upon written request, or pass a resolution granting a blanket extension to all affected properties in the city.

(f) **Staking**. It is recommended that stakes and cables used to support a tree be removed within 24 months of planting.

16-11 Use of low-water-adaptive vegetation

The use of low-water-adaptive vegetation should be incorporated into landscape designs to the extent possible. When the total amount of landscaping in a project, excluding terrace areas, exceeds 5,000 square feet, at least 30 percent of the required vegetation shall be low-water-adaptive vegetation and planted in one or more groupings.

16-12 Berms

(a) **Maximum slope and form**. In order to facilitate maintenance and efficient irrigation water usage, a berm shall not exceed a slope of 3:1 (i.e., for every 3 feet of horizontal run the vertical height is one foot). A berm shall be graded to appear as a curvilinear, naturalistic form.

(b) **Construction**. A berm shall be compacted during the construction process so as to minimize settling.

(c) **Stabilization**. A berm shall be covered with turf or mulch along with required plant materials.

(d) **Effect on stormwater flow**. A berm may not be designed or placed so as to divert the normal flow of stormwater to the detriment of surrounding properties.

(e) **Placement with respect to existing trees and shrubs**. No portion of a berm shall be placed within the critical root zone (1.5 feet for every diameter inch) of a tree.

(f) **Placement within vision triangle**. Placement of a berm within a vision triangle shall be consistent with the standards in s. 8-76.

16-13 to 16-20 Reserved

DIVISION 2
BUFFERYARDS

Sections

16-21	General description	16-23	General provisions
16-22	Applicability	16-24	Determination of required bufferyard

16-21 General description

A bufferyard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses.

16-22 Applicability

(a) **Generally**. A buffer yard shall be required at the time of development along the side and rear lot lines of the lot being developed when it abuts another lot in a different zoning district and when the lot being developed was:

(1) created by a land division of any type approved after December 31, 2016, or

(2) rezoned to another zoning classification after December 31, 2016.

(b) **Conditional use**. As a condition of approving a conditional use, the Plan Commission may recommend and the Common Council may require that a bufferyard be incorporated into the project's overall design. The standard imposed shall be based on the degree of incompatibility between the adjoining use and the conditional use.

(c) **Dual responsibility**. When two adjoining parcels are vacant and they are located in different zoning districts, one half of the required bufferyard shall be located on each parcel (i.e., one half of the required width and one half of the required plants).

(d) **Single responsibility**. When a vacant parcel adjoins a developed parcel and each are located in different zoning districts, the bufferyard shall be located on the vacant parcel.

16-23 General provisions

(a) **Relationship of fencing and plantings.** When a fence or berm is used in conjunction with plantings, one-half of the required number of landscape points shall be planted between the fence or berm and the property line.

(b) **Use of bufferyard**. A bufferyard shall be undeveloped, except that the zoning administrator may allow the following in a bufferyard:

(1) an unpaved fire lane,[2]

(2) utility boxes and cabinets when necessary,

(3) a paved bicycle/pedestrian path or a paved sidewalk when necessary to allow for proper on-site and off-site pedestrian circulation,

(4) a paved vehicular access between the adjoining parcels provided it is located in the least intrusive location and is located generally perpendicular to the property boundary line,

(5) stormwater management facilities, and

(6) other structures and features deemed compatible by the administrator.

[2] Commentary: A number of products have been introduced in recent years that allow grass to grow in a plastic-type mesh that is capable of supporting a fire truck.

If a utility easement is located along the property boundary line where a bufferyard is also required, the width of the easement may be used to satisfy the width requirement of the bufferyard, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

(c) **Multi-use developments and mixed use**. For multi-use developments on a single lot, the use nearest the property line shall determine the bufferyard requirement for that area. For mixed uses (two or more uses in the same structure), the higher intensity use shall be used to determine the bufferyard requirement.

(d) **Recording of easement**. The bufferyard shall be shown on the face of the final plat or certified survey map (CSM) with the following narrative:

> "The bufferyard(s) shown on the face of this [plat /certified survey map] was established to comply with Section16-## of Washburn's zoning code in effect at the time of approval. A bufferyard shall not be developed or used, except in conformance with Article 16 of the zoning code, and the property owner shall be responsible for maintaining a level of landscaping that meets the bufferyard requirements in effect at the time of filing of this [plat /certified survey map]. This bufferyard may only be removed by the Washburn Plan Commission consistent with Article 16."

(e) **Longevity.** Bufferyards shall be maintained in perpetuity. However, the Plan Commission may terminate a bufferyard when (1) the parcel containing the bufferyard is rezoned to the same zoning classification as the adjoining parcel or (2) when the adjoining parcel is rezoned to the same zoning classification as the parcel with the bufferyard. Such termination shall reference the original document depicting the bufferyard and be recorded with the register of deeds for Bayfield County.

(f) **Ownership**. When a bufferyard is required in a subdivision, it shall be held in common by a homeowners association or shall be incorporated into the adjoining lots.

Exhibit 16-7. Standards for a bufferyard between different zoning districts

Other zoning district	Zoning district allowing the greatest intensity or density											
	R-1	R-2	R-6	R-8	R-9	C-1	C-2	C-3	MUW	I-1	L-1	M
R-1		-	-	-	-	-	A	B	B	D	-	D
R-2	-		-	-	-	-	A	B	B	D	-	D
R-6	-	-		-	-	-	-	-	A	C	-	D
R-8	-	-	-		-	-	-	B	B	C	-	D
R-9	-	-	-	-		-	-	B	B	C	-	D
C-1	-	-	-	-	-		-	-	A	C	-	C
C-2	-	-	-	-	-	-		-	-	B	-	C
C-3	-	-	-	-	-	-	-		-	A	-	B
MUW	-	-	-	-	-	-	-	-		A	-	A
I-1	-	-	-	-	-	-	-	-	-		-	-
L-1	-	-	-	-	-	-	-	-	-	-		-
M	-	-	-	-	-	-	-	-	-	-	-	

Notes:
1. A dash "-" means that a bufferyard is not required.
2. For A, B, C, and D see Exhibit 16-8 for the width of the bufferyard and related landscaping requirements.

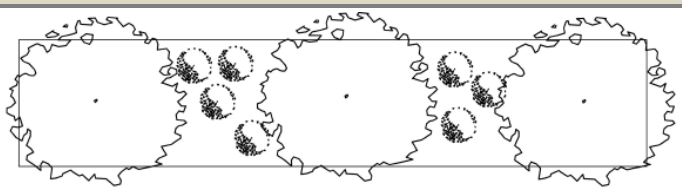
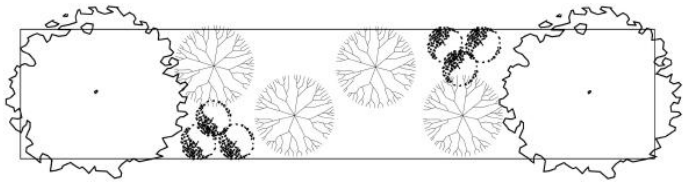
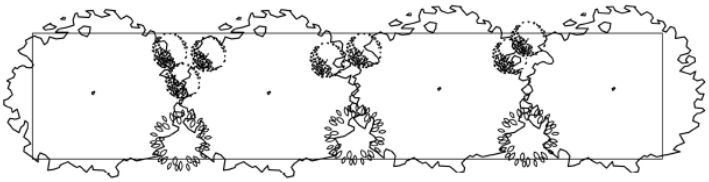
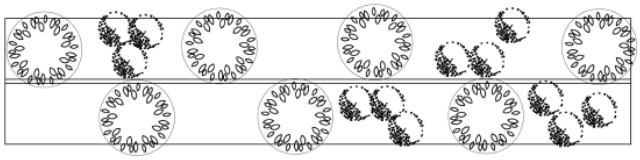
16-24 Determination of required bufferyard

The determination of a bufferyard requirement is a two-step process as follows:

Step One – Identification of required bufferyard standard. The required bufferyard standard is determined using Exhibit 16-7. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a bufferyard is required, a letter will be shown in that cell. If the parcel being developed adjoins land in the town, that municipality's zoning classification that most closely corresponds to the city's zoning classification is used to determine bufferyard requirements.

Step Two – Identification of detailed bufferyard requirements. In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping point, berm, and fence combinations are possible as listed in Exhibit 16-8. The requirements shall be provided for each 100 feet or fraction thereof. Different landscaping point options may be used along the length of a bufferyard, provided no such segment is less than 100 feet.

Exhibit 16-8. Detailed bufferyard requirements

A	Width	Points per 100 feet	Required fence or berm [1]	Example schematic [2]
A-1	10'	200	-	A-3 
A-2	15'	150	-	
A-3	20'	125	-	
B				
B-1	15'	100	Fence [3,4,5]	B-3 
B-2	15'	300	-	
B-3	20'	200	-	
B-4	25'	150	-	
B-5	30'	125	-	
C				
C-1	15'	100	Fence [3,4,5]	C-3 
C-2	15'	350	-	
C-3	20'	250	-	
C-4	25'	200	-	
C-5	30'	175	-	
C-6	30'	125	4' berm	
D				
D-1	20'	200	Fence [3,4,5]	D-1 
D-2	25'	325	-	
D-3	30'	275	-	
D-4	35'	250	-	
D-5	40'	200	-	
D-6	40'	150	4' berm	

Notes:
1. A dash "-"means not applicable
2. All schematics are intended to be illustrative.
3 Maximum height allowed controlled by s. 8-530.
4. When a fence is used, at least 50 percent of the required plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. If at the time of development, there is a fence on the adjoining property, this planting requirement shall not apply.
5. When a fence is used to enclose an activity or storage area, a fence may not be used in the bufferyard.

16-25 to 16-40 Reserved

DIVISION 3
LANDSCAPING

Sections

16-41	Applicability	16-44	Parking lot landscape requirements
16-42	Street frontage landscape requirements	16-45	Lot interior landscape requirements
16-43	Building foundation landscape requirements		

16-41 Applicability

The provisions of this division apply to the following:

(1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;

(2) expansion of a principal building that is subject to this division by 500 square feet or more; and

(3) construction or expansion of a parking area.

16-42 Street frontage landscape requirements

(a) **Minimum amount required**. A minimum of 60 landscape points shall be provided along a public street right-of-way on a prorated basis for every 100 linear feet of frontage.

(b) **Placement on lot**. Plants required by this section shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way.

(c) **Use of various plant types**. Only tall, medium, and low trees may be used for street frontage plantings. The following trees shall not be used as street trees because of undesirable traits (e.g., weak wood, form, fruit/nut litter):

(1) silver maple,

(2) box elder,

(3) butternut,

(4) black walnut,

(5) any other tree so designated by the zoning administrator.

A minimum of 50 percent of the required landscape points shall be devoted to tall deciduous trees and a minimum of 30 percent of the points shall be devoted to medium deciduous trees.

Exhibit 16-9. An example of a foundation planting

16-43 Building foundation landscape requirements

(a) **Minimum amount required**. A minimum of 40 landscape points shall be provided on a prorated basis for every 100 feet of building foundation perimeter. For example, a building with a perimeter of 180 feet must provide a minimum of 72 landscape points ((180/100)*40)=72.

(b) **Placement on lot**. Plants required by this section shall be placed so that, at maturity, the dripline of each plant is generally located within 10 feet of the building foundation. As a general rule, plants shall be distributed around the entire perimeter of the building. Such landscaping shall not be located in those areas required for landscaping as street frontages or parking areas.

(c) **Use of various plant types**. Tall and medium trees shall not be used to meet building foundation landscape requirements. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances, such as ground-mounted HVAC units and utility boxes.

(d) **Anticipated future development**. Where an approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements

which are not met through the initial planting, then such requirement shall be met within 5 years of building permit issuance, or as extended in writing by the zoning administrator.

16-44 Parking lot landscape requirements

(a) **Minimum amount required**. A minimum of 120 landscape points shall be provided on a prorated basis for every 10,000 square feet of paved area. For example, a minimum of 303 landscape points are required within a parking area consisting of 25,200 square feet (approximately 63 stalls) as follows: ((25,200/10,000)*120)=303.

(b) **Use of various plant types**. A minimum of 60 percent of all landscape points shall be devoted to tall trees and a minimum of 20 percent of all points shall be devoted to shrubs.

(c) **Placement within a landscaped area**. A minimum of 325 square feet of landscaped area shall be located within the perimeter of the paved area for the placement of every 100 landscape points, or fraction thereof.

(d) **Bioretention areas**. Bioretention areas that are used to treat stormwater runoff from parking areas should be integrated into landscape areas as may be required in this section.

16-45 Lot interior landscape requirements

(a) **Minimum amount required**. A minimum of 10 landscape points shall be provided within the interior of the lot on a prorated basis for every 1,000 square feet of building floor area. For example, a minimum of 23 landscape points are required on the interior of a lot having a building floor area of 2,300 square feet ((2,300/1,000)*10)=23.

(b) **Placement on lot**. Plants required by this section shall be located away from required landscaping for building foundations, street frontages, and parking lot areas.

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 17
PARKING AND LOADING FACILITIES

Sections

17-1	Legislative findings	17-4	Accessible parking and passenger loading
17-2	Purpose	17-5	Off-street loading berths
17-3	Off-street parking	17-6	Bicycle parking

17-1 Legislative findings

The Common Council makes the following legislative findings:

(1) The design of parking areas is critically important to the economic viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability.

(2) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.

(3) Excessively large parking lots reduce density, increase the cost of development, create an unhealthy built environment, contribute to the heat island effect associated with urban areas, and decrease the infiltration of storm water into the ground.

(4) Special standards are needed to accommodate the needs of the disabled.

(5) Shared parking can reduce parking facility costs (including aesthetic and environmental impacts), allows greater flexibility in facility location and site design, and encourages more efficient land use.

(6) Parking lots and their access represent a vital connection between the local transportation network and land uses.

(7) Incorrectly designed parking lots and site access can have negative impacts on the site itself, the adjacent and nearby public roadways, and the image of the business community.

17-2 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

(1) increase the safety and capacity of public streets by requiring off-street parking and off-street loading facilities,

(2) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods,

(3) lessen congestion and prevent the overtaxing of public roads by regulating the location and capacity of off-street parking and off-street loading facilities,

(4) maintain and enhance a safe and efficient transportation system,

(5) minimize the occurrences of motor vehicles backing into public roads,

(6) encourage bicycle use by providing adequate and safe facilities for the storage of bicycles, and

(7) minimize impervious surfaces.

17-3 Off-street parking

(a) **Applicability**. The off-street parking requirements in this article apply as follows:

(1) **New construction**. A new use shall comply with the off-street parking requirements.

(2) **Change in use**. When an existing use is changed to another permitted use with a higher parking demand and the required number of parking spaces for the new use is less than 125 percent of the number of existing spaces, additional spaces are not required.

(3) **Expansion of existing use**. When an existing use is enlarged and the required number of parking spaces is more than 125 percent of the number of existing spaces, the expanded use shall comply.

(b) **General design principles**. Parking areas shall be design based on the following principles:

(1) Provide continuous flow of traffic through the parking area.

(2) Allow safe movement of pedestrians from parking to buildings.

(3) Avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian circulation shall take precedence over vehicular circulation.

(4) Allow for appropriate landscaping of parking areas without conflicting with outdoor lighting.

(5) Ensure that site facilities and amenities are accessible to people with disabilities as required by this article and the Americans with Disabilities Act (ADA).

(6) Ensure that emergency service vehicles are able to travel through parking areas, including fire trucks (having a curb-to-curb turning radius of 40 feet) and tow trucks (having a curb-to-curb turning radius of 47 feet with a car in tow).

(7) Minimize impervious surfaces.

(8) Allow for the logical expansion of parking areas to accommodate different land uses or an expansion of an existing use.

(c) **Proximity of parking to principal use**. Parking spaces required by this article shall be located on the same lot with the principal use, except as provided in this subsection. When required parking spaces cannot be located on the same lot, parking spaces may be located on a different lot provided the parking spaces are located in the same zoning district. Parking for nonresidential uses shall not be located more than 500 feet from the lot with the principal use. Parking for residential uses shall not be located more than 400 feet from the principal entrance of the residential building. If required off-street parking is to be provided off-site, the use of such site shall be secured with a permanent agreement acceptable to the city attorney and recorded in the office of the Bayfield County register of deeds. The City of Washburn shall be named in that agreement as a party having the right of enforcement.

(d) **Location of parking on a lot**. In commercial and industrial zoning districts, parking may be located in any yard provided such spaces and aisles are located (1) at least 5 feet from another property in a commercial or industrial zoning district, (2) at least 25 from the side lot line or rear lot line of a property in a residential zoning district, and (3) at least 10 feet from the front lot line if the property on the other side of the street is in a residential zoning district. In a residential zoning district, parking may be located in the side or rear yards provided such spaces and aisles are located at least 5 feet from any property boundary line. Parking is only allowed in the front yard for single-family dwellings, duplex, and twinhomes when on a driveway even though closer than 5 feet to a side lot line, provided the driveway conforms to the requirements in s. 6-3-1 of the municipal code.

Exhibit 17-1. A pedestrian crosswalk in the parking lot of a fast food restaurant

(e) **Accessibility**. Parking spaces shall be accessible at all times from a street, an alley, or a driveway intended to serve such parking. No parking area consisting of 2 or more parking spaces shall be designed as to require a motor vehicle to back into a public street, except for single-family dwellings, twinhomes, and 2-unit multi-family units.

(f) **Use of parking spaces**. Off-street parking areas shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles in a parking area is prohibited, unless otherwise allowed in this chapter. In addition, the use of an off-street parking area for overnight camping, including recreational vehicle camping, is prohibited.

(g) **Pedestrian routes in a parking area**. When a pedestrian circulation route crosses a vehicular route, a crosswalk shall be provided to improve pedestrian safety (Exhibit 17-1).

(h) **Surfacing**. An off-street parking area with six or more parking spaces shall be hard surfaced (e.g., pervious concrete, asphaltic concrete, pavers, or similar product), except for a single-family dwelling and those land uses listed as agriculture or resource-based in Exhibit 17-3 which may be surfaced with crushed gravel. If it is not possible to hard surface the parking area between November 1 and April 1, the city building inspector may

issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.

(i) **Marking of parking spaces**. Parking spaces within an off-street parking area consisting of 6 or more spaces shall be clearly marked.

(j) **Drainage**. An off-street parking area shall be properly graded for drainage.

(k) **Snow storage**. Required parking spaces and access aisles shall not be used for snow storage. Areas used for snow storage shall be clearly depicted on site plans if snow will be stored on site.

(l) **Landscaping**. Landscaping for an off-street parking area shall be provided consistent with the requirements set forth in Article 16.

(m) **Signage**. Signage related to off-street parking and on-site traffic circulation shall comply with the requirements set forth in Article 18.

(n) **Outdoor lighting**. An off-street parking area consisting of 6 or more parking spaces shall be lit consistent with the requirements set forth in Article 19.

(o) **Screening**. When a parking area with 5 or more parking spaces adjoins a property in a residential zoning district, a 4-foot (e.g., landscaping, berm, fence, or any combination) shall be installed and maintained.

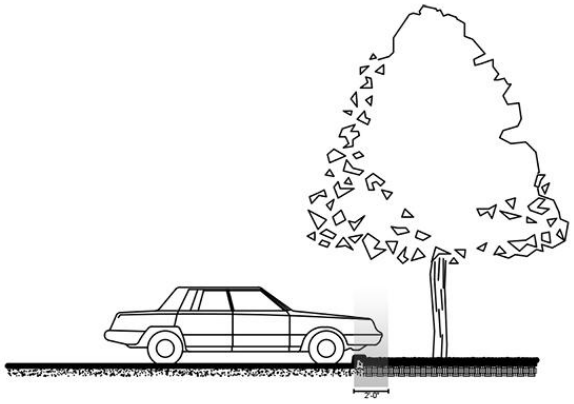
(p) **Curbing**. Curbs or barriers shall be installed a minimum of 5 feet from a property boundary line.

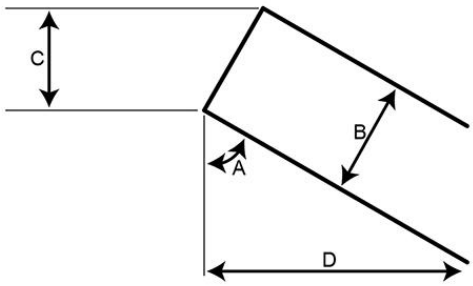
(q) **Dimensional standards**. Parking spaces, except for handicapped parking; access aisles; and other features in a parking area shall conform to the dimensions in Exhibit 17-2.

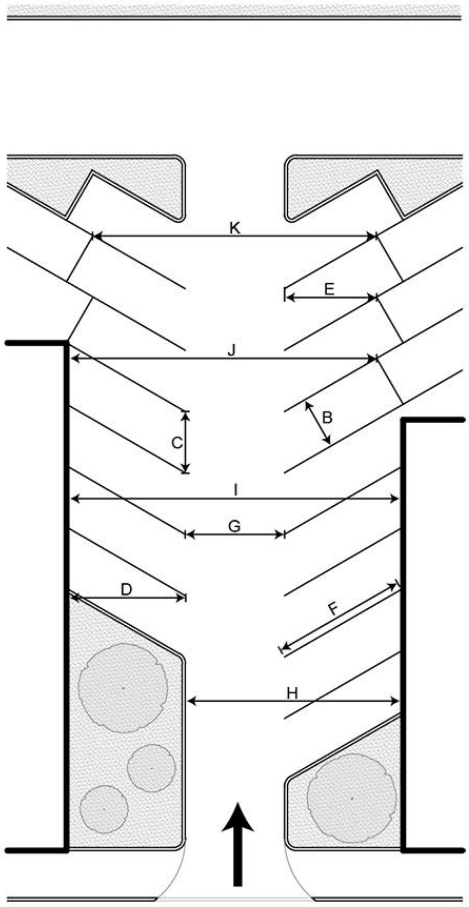
Exhibit 17-2. Parking area dimensional standards

		Parking angle - A				
		0°	**45°**	**60°**	**75°**	**90°**
B	Stall width at parking angle	9.0 ft.	9.0 ft.	9.0 ft.	9.0 ft.	9.0 ft.
C	Stall width parallel to access aisle	17.0 ft.	12.7 ft.	10.4 ft.	9.3 ft.	9.0 ft.
D	Stall depth to wall	9.0 ft.	17.5 ft.	19.0 ft.	19.5 ft.	18.5 ft.
E	Stall depth to interlock	--	15.3 ft.	17.5 ft.	18.8 ft.	--
F	Stall length	18.0 ft.	18.0 ft.	18.0 ft.	18.0 ft.	18.0 ft.
G	Aisle width one-way	12.0 ft.	12.0 ft.	16.0 ft.	17.2 ft.	24.0 ft.
H	Module width – wall to wall (single-loaded)	21.0 ft.	29.5 ft.	35.0 ft.	42.5 ft.	44.5 ft.
I	Module width – wall to wall (double-loaded)	30.0 ft.	47.0 ft.	54.0 ft.	62.0 ft.	63.0 ft.
J	Module width – wall to interlock (double-loaded)	--	44.8 ft.	52.5 ft.	61.3 ft.	--
K	Module width – interlock to interlock (double-loaded)	--	42.6 ft.	51.0 ft.	60.6 ft.	--

Stall reduction for landscaped areas. When a parking space abuts a landscape island or planter, the front 2 feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided.







(r) **Minimum number of spaces**. Off-street parking spaces shall be provided in the number specified in Exhibit 17-3, except as follows:

(1) Nonresidential land uses located in the downtown parking district are not required to provide off-street parking.

(2) When bicycle parking is provided consistent with this article, bicycle parking spaces may be used to satisfy the number of required parking spaces up to a maximum of 4 percent provided the number of required parking spaces is 25 or more. For example, if the parking standards as applied to a project call for 100 vehicle parking spaces, no more than 4 bicycle parking spaces may be substituted (96 vehicle parking spaces and 4 bicycle parking spaces).

(3) Pursuant to the procedures and requirements in Article 7, the Plan Commission may authorize the use of a lesser parking standard for a particular land use as a special exception provided sufficient evidence is provided that shows actual off-street parking demand for that use is less than the standard set forth in Exhibit 17-3.

(s) **Maximum number of spaces**. For land uses located in a commercial, mixed-use, or industrial zoning district, the number of parking spaces provided in a ground surface parking lot shall not exceed the number of minimum parking spaces by more than 15 percent, except that the Plan Commission may allow more parking spaces above that threshold as a special exception pursuant to the procedures and requirements in Article 7 provided the commission determines that additional spaces are needed for that particular use or location. There shall be no limitation on the number of parking spaces when located in a parking garage or similar structure.

(t) **Mixed-use requirements**. For mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various land uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except when considered shared parking as allowed in this article.

(u) **Compact cars**. Up to 10 percent of the required number of parking spaces may be sized for compact cars. A compact vehicle parking space shall be so designated by a sign or other means approved by the city building inspector.

Exhibit 17-3. Parking standards

1.0	Agriculture	Minimum vehicle spaces
1.01	Agriculture, crop	1 space for each employee on the largest work shift
1.02	Agriculture, general	1 space for each employee on the largest work shift
1.03	Agriculture support services	1 space for each employee on the largest work shift
1.04	Greenhouse	1 space for each employee on the largest work shift
2.0	**Resource-Based Uses**	
2.01	Dam	1 space for each employee on the largest work shift
2.02	Forestry	On-site parking not required
3.0	**Residential**	
3.01	Mixed-use housing	2 spaces for each dwelling unit
3.02	Multi-family building, 2 units	2 spaces for each dwelling unit
3.03	Multi-family building, 3 or more units	2 spaces for each dwelling unit
3.04	Single-family dwelling	2 spaces
3.05	Townhouse	2 spaces for each dwelling unit
3.06	Twin home	2 spaces for each dwelling unit
4.0	**Special Care Facilities**	
4.01	Adult family home	1 space for each 2 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift
4.02	Community living arrangement, 8 or fewer residents	3 spaces for each building
4.03	Community living arrangement, 9-15 residents	3 spaces for each building
4.04	Foster home and treatment foster home	1 space for each employee on the largest work shift
4.05	Group day care center	1 space for each 2 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift
4.06	Hospice care center	1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift
4.07	Nursing home	1 space for each 3 beds; plus 1 space for each employee on the largest work shift
4.08	Retirement home (assisted living)	1 space for each unit; plus 1 space for each employee on the largest work shift
4.09	Temporary residential shelter	1 space for each 500 square feet of gross floor area devoted to patron services; plus 1 space for each employee on the largest work shift
5.0	**Group Accommodations**	
5.01	Campground	1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces
5.02	Overnight lodging	1.5 space for each guest room; plus 1 space for each employee on the largest work shift
5.03	Resort	1.5 space for each guest room; plus 1 space for each employee on the largest work shift
5.04	Tourist rooming house	1 space for each guest room
6.0	**Food and Beverage Sales**	
6.01	Brewpub	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift
6.02	Restaurant	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift
6.03	Tavern	1 space for each 3 patron seats or 1 space for each 300 square feet of gross floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

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Exhibit 17-3. Parking standards - continued

7.0	Vehicle Rental, Sales, and Service	Minimum vehicle spaces
7.01	Heavy vehicle sales and service	1 space for each 300 square feet of gross floor area
7.02	Vehicle fuel station	1 space for each 300 square feet of gross floor area
7.03	Vehicle repair shop	1 space for each service bay; plus 1 for each employee on the largest work shift
7.04	Vehicle sales and rental	1 space for each 300 square feet of gross floor area
7.05	Vehicle service shop	1 space for each service bay; plus 1 for each employee on the largest work shift
7.06	Vehicle storage yard	1 space for each employee on the largest work shift
8.0	**General Sales**	
8.01	Convenience retail sales	1 space for each 300 square feet of gross floor area
8.02	General retail sales	1 space for each 300 square feet of gross floor area
8.03	Outdoor sales	1 space for each 5,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift
9.0	**General Services**	
9.01	Administrative services	1 space for each 300 square feet of gross floor area
9.02	Body-piercing establishment	1 space for each 300 square feet of gross floor area
9.03	Commercial kennel	1 space for each 300 square feet of gross floor area
9.04	Commercial stable	1 space for each 4 stable stalls
9.05	Equipment rental, large	1 space for each 8,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift
9.06	Equipment rental, small	1 space for each 300 square feet of gross floor area; plus 1 space for each employee on the largest work shift
9.07	Financial services	1 space for each 300 square feet of gross floor area
9.08	Funeral home	1 space for each 3 patron seats at the maximum capacity; plus 1 space for each employee on the largest work shift
9.09	General repair	1 space for each 450 square feet of gross floor area
9.10	General services	1 space for each 300 square feet of gross floor area
9.11	Health care center	1 space for each 1.5 patient beds; plus 1 space for each employee on the largest work shift; plus 1 space for each doctor on the largest work shift
9.12	Health care clinic	1 space for each examination room or equivalent; plus 1 space for each 300 square feet of gross floor area not devoted to examinations
9.13	Instructional services	1 space for each student during the largest period of attendance; plus 1 space for each employee on the largest work shift
9.14	Landscape business	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
9.15	Professional services	1 space for each 300 square feet of gross floor area
9.16	Tattoo establishment	1 space for each 300 square feet of gross floor area
9.17	Veterinary clinic, general	1 space for each 300 square feet of gross floor area
9.18	Veterinary clinic, small animal	1 space for each 300 square feet of gross floor area
10.0	**Recreation and Entertainment**	
10.01	Driving range	1 space for each driving station
10.02	Golf course	36 spaces for each 9 holes of golf; plus 1 space for each employee on the largest work shift. If a tavern or restaurant Is also part of the golf course facility, the parking requirements of such use shall be 50 percent of the requirement
10.03	Indoor entertainment	1 space for each 3 patron seats; plus 1 for each employee on the largest work shift

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Exhibit 17-3. Parking standards - continued

10.0	Recreation and Entertainment - continued	Minimum vehicle spaces
10.04	Indoor recreation	1 space for each 3 patron seats; plus 1 for each employee on the largest work shift
10.05	Indoor shooting range	1 space for each 3 patrons at design capacity; plus 1 for each employee on the largest work shift
10.06	Outdoor entertainment	1 space for each 3 patron seats at maximum capacity; plus 1 for each employee on the largest work shift
10.07	Outdoor recreation	1 space for each 3 patrons at design capacity; plus 1 for each employee on the largest work shift
11.0	**Government and Community Services**	
11.01	Administrative government center	1 space for each 300 square feet of gross floor area
11.02	Animal shelter	1 space for each 600 square feet of gross floor area; plus 1 space for each employee on the largest work shift
11.03	Cemetery	1 space for each 250 square feet of gross floor area or 1 space for each 4 seats at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.04	Civic use facility	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.05	Community center	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.06	Community cultural facility	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons at maximum capacity, whichever is greater; plus 1 space for each employee on the largest work shift
11.07	Community garden	1 space for each 10,000 square feet of land available for production
11.08	Educational facility, pre-K through 12	0.5 spaces for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at design capacity; plus 1 space for each employee on the largest work shift
11.09	Educational facility, post-secondary	0.5 spaces for each student during the largest class attendance period; plus 1 space for each employee on the largest work shift
11.10	Maintenance garage	1 space for each employee on the largest work shift
11.11	Park	1 space for each 3 patrons at the peak use period
11.12	Public safety facility	1 space for each 500 gross square feet of office area; 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises
11.13	Recreation trail	On-site parking not required
11.14	Worship facility	1 space for each 4 patrons at maximum capacity; plus 1 space for each employee on the largest work shift
12.0	**Telecommunications and Utilities**	
12.01	Radio broadcast facility	1 space for each employee on the largest work shift
12.02	Solar power plant	1 space for each employee on the largest work shift
12.03	Stormwater management facility	On-site parking not required
12.04	Telecommunication collocation (class 1)	On-site parking not required
12.05	Telecommunication collocation (class 2)	On-site parking not required
12.06	Telecommunication tower	One space
12.07	Utility installation, major	1 space for each on-site employee on the largest work shift
12.08	Utility installation, minor	1 space, although the zoning administrator may grant a waiver
12.09	Utility maintenance yard	1 space for each employee on the largest work shift
13.0	**Transportation**	
13.01	Bus storage facility	1 space for each employee on the largest work shift
13.02	Marina	1 space for each 2 boat slips

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Exhibit 171-3. Parking standards - continued

13.0	Transportation - continue	Minimum vehicle spaces
13.03	Mass transit terminal	1 space for each 100 square feet of gross floor area devoted to a passenger waiting area; plus 1 space for each 300 square feet of gross floor area devoted to offices
13.04	Off-site parking lot	On-site parking not required
13.05	Park-and-ride lot	On-site parking not required
13.06	Street	On-site parking not required
14.0	**General Storage**	
14.01	Boat yard	1 space for each employee on the largest work shift
14.02	Indoor boat storage	1 space for each employee on the largest work shift; plus 1 space for the first 30 rental spaces or 2 spaces for more than 30 rental spaces
14.03	Personal storage facility	1 space for each 50 rental units when an office is provided; plus 1 space for each employee on the largest work shift
14.04	Truck terminal	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
14.05	Warehouse	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.0	**Industrial**	
15.01	Artisan shop, Type I	1 space for each 300 square feet of display area; plus 1 space for each employee on the largest work shift
15.02	Artisan shop, Type II	1 space for each 300 square feet of display area; plus 1 space for each employee on the largest work shift
15.03	Construction equipment repair	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.04	Construction equipment sales and rental	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
15.05	Contractor yard	1 space for each employee working on site; plus 1 space for each fleet vehicle parked on site
15.06	Manufacturing	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
16.0	**Solid Waste**	
16.01	Composting facility	1 space for each employee on the largest work shift
16.02	Recycling center	1 space for each employee on the largest work shift
16.03	Solid waste transfer station	1 space for each employee on the largest work shift
17.0	**Accessory Uses**	
17.01	Accessory dwelling unit (ADU)	1 space
17.02	Adult family home	On-site parking not required
17.03	Amateur radio and/or citizens band antenna	On-site parking not required
17.04	Bed and breakfast	1 space for each guest room
17.05	Boat dock	On-site parking not required
17.06	Boathouse	On-site parking not required
17.07	Exterior communication device	On-site parking not required
17.08	Family day care home	On-site parking not required
17.09	Farm building for non-farm storage	On-site parking not required
17.10	Fence	On-site parking not required
17.11	Firewood storage	On-site parking not required

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Exhibit 17-3. Parking standards - continued

17.0	Accessory Uses - continued	Minimum vehicle spaces
17.12	Foster home and treatment foster home	On-site parking not required
17.13	Garage, nonresidential	On-site parking not required
17.14	Garage, residential	On-site parking not required
17.15	Greenhouse	On-site parking not required
17.16	Home occupation, major	1 space for a company vehicle, as may be permitted, and one space for each non-resident employee as may be permitted
17.17	Home occupation, minor	1 space for a company vehicle, as may be permitted, and one space for each non-resident employee as may be permitted
17.18	Household livestock	On-site parking not required
17.19	Kennel, hobby	On-site parking not required
17.20	Light industrial use incidental to sales	On-site parking not required
17/21	Outdoor food and beverage service	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater
17.22	Play structure	On-site parking not required
17.23	Pond	On-site parking not required
17.24	Rural accessory building	On-site parking not required
17.25	Sales incidental to light industrial use	1 space for each 300 square feet of gross floor area
17.26	Service window, drive-up	On-site parking not required
17.27	Service window, walk-up	On-site parking not required
17.28	Solar energy system, building-mounted	On-site parking not required
17.29	Solar energy system, free-standing	On-site parking not required
17.30	Storage container	On-site parking not required
17.31	Swimming pool	On-site parking not required
17.32	Utility cabinet	Determined on a case-by-case basis
17.33	Work/live dwelling unit	2 spaces for the dwelling, plus parking for the business
17.34	Yard shed	On-site parking not required
18.0	**Temporary Uses**	
18.01	Contractor's office	On-site parking not required
18.02	Earth materials stockpile	On-site parking not required
18.03	Farmers market	1.5 space for each vendor space when sufficient on street parking is not available
18.04	Farm stand, off-site	2 spaces
18.05	Farm stand, on-site	1 space
18.06	Livestock for vegetation management	On-site parking not required
18.07	Model home	Determined on a case-by-case basis
18.08	Off-site construction yard	1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site
18.09	Party tent	On-site parking not required
18.10	Portable storage container	On-site parking not required
18.11	Seasonal product sales	Determined on a case-by-case basis, but not less than 2 when on street parking is not available
18.12	Sidewalk café	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater

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Exhibit 17-3. Parking standards - continued

18.0	Temporary Uses - continued	Minimum vehicle spaces
18.13	Special event, major	Determined on a case-by-case basis
18.14	Special event, minor	On-site parking not required
18.15	Wind test tower	On-site parking not required
18.16	Yard sale	On-site parking not required

(a) **Shared parking.** There may be instances where two or more land uses could share the same parking facilities as shown in Exhibit 17-4. The zoning administrator may, upon written petition, authorize the joint use of parking facilities required by such uses, provided:

(1) the applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;

(2) the parking facility for which joint use is proposed shall be located within 500 feet of the building or use required to provide parking;

(3) directional signage is provided where appropriate and allowed; and

(4) pedestrian routes are direct, clear, and safe.

Exhibit 17-4. Examples of uses that could potentially share a parking area

Land uses with typical weekday peaks	Land uses with typical evening peaks	Land uses with typical weekend peaks
Banks	Auditoriums	Religious institutions
Schools	Bars and dance halls	Parks
Distribution facilities	Meeting halls	Malls (some types, but not all)
Factories	Restaurants (some types, but not all)	
Medical clinics	Movie theaters	
Offices		
Professional services		

The parties involved in the joint use of off-street parking facilities shall document their agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this part, shall be recorded in the office of the Bayfield County register of deeds and a copy filed with the zoning administrator.

17-4 Accessible parking and passenger loading

(a) **Generally**. Accessible parking spaces shall be provided subject to this part; the Americans with Disability Act (ADA), as may be amended; and the *ADA Standards for Accessible Design* 28 CFR 36, revised as of July 1, 1994 as may be amended.

(b) **Number required**. If parking spaces are required, then accessible spaces shall be provided in addition to the required number of regular spaces in the quantity as shown in Exhibit 17-5. One of 8 accessible parking spaces, but always at least one, must be van-accessible.

(c) **Location**. Accessible spaces serving a particular building shall be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with near-by parking, accessible spaces shall be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

(d) **Dimensions**. Accessible parking spaces shall be at least 96 inches wide.

(e) **Vertical clearance**. For van-accessible parking spaces, a 98-inch high clearance shall be maintained above the space, access aisle, and on the route to and from the van-accessible space.

(f) **Maximum slope**. Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.

(g) **Signage**. Each accessible space shall be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces shall be so designated with a sign indicating "Van Accessible." Such signs shall be located so they cannot be obscured by a vehicle parked in the space (at least 6 feet in height).

(h) **Pavement striping and markings**. The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.

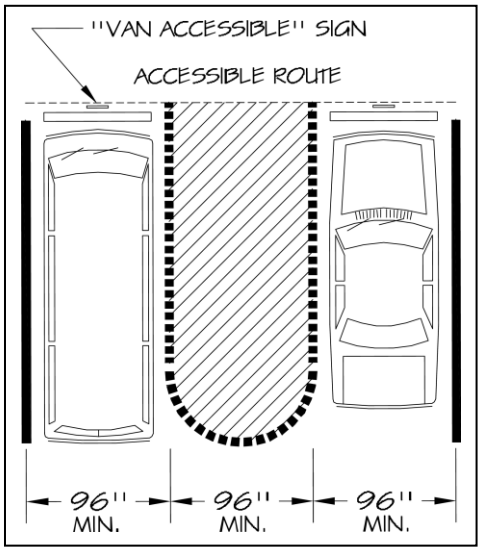
(i) **Accessible route**. An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It shall be at least 36 inches wide, without steps or curbs. It shall be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual (Exhibit 17-6).

(j) **Access aisle**. An access aisle for an accessible space shall be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access isle (Exhibit 17-6). An access isle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

Exhibit 17-5. Minimum number of accessible parking spaces

Number of required parking spaces	Number of additional accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

Exhibit 17-6. Layout of standard and van accessible parking spaces



17-5 Off-street loading berths

(a) **Generally**. Off-street loading berths are required for new buildings and building expansions with any use that receives deliveries or makes shipments from large trucks including retail stores, manufacturing, warehousing, processing, offices, health care centers, and schools.

(b) **Dimensional standards**. A loading berth shall comply with the dimensional standards in Exhibit 17-7. The minimum vertical clearance also applies to all areas providing access to the loading berth.

(c) **Location**. A loading berth shall not be located on the front of the building, except when entirely located within the building and the access door is integrated into the overall design of the building. A loading berth shall not be located within a required side yard setback area. A loading berth shall not be located within a public road right-of-way or interfere with the intended use of a public road right-of-way. A loading berth or access to a loading berth shall not interfere with onsite traffic or pedestrian circulation or on-site parking.

Exhibit 17-7. Dimensions of loading berths by type

Type	Minimum width	Minimum length	Minimum overhead clearance
Small berth	10 feet	25 feet	14 feet
Large berth	12 feet	50 feet	14 feet

(d) **Surfacing**. A loading berth shall be hard surfaced (e.g., pervious concrete, asphaltic concrete, pavers, or similar product). If it is not possible to hard surface a loading berth between November 1 and April 1, the city building inspector may issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.

(e) **Marking**. A loading berth shall be clearly marked.

(f) **Use**. A loading berth shall only be used for loading and unloading of vehicles.

(g) **Drainage**. A loading berth shall be graded for proper drainage.

(h) **Outdoor lighting**. Outdoor lighting for a loading berth shall comply with the requirements set forth in Article _.

(i) **Signage**. All signage related to a loading berth shall comply with the requirements set forth in Article 9.

(j) **Screening**. The reviewing authority may require screening (e.g., landscaping, berm, fence, or any combination) when the use of the loading berth has the potential of negatively impacting adjoining residential uses.

(k) **Minimum number of loading berths**. Those buildings subject to this section shall provide one or more loading berths as specified in Exhibit 17-8.

Exhibit 17-8. Minimum number of loading berths

Floor area	Minimum number of loading berths
6,000 to 12,499 square feet	1 small berth
12,500 to 24,999 square feet	2 small berths
25,000 to 39,999 square feet	1 large berth
40,000 to 99,999 square feet	2 large berths
100,000 square feet or more	2 large berths plus 1 large berth for each additional 80,000 square feet over 100,000 square feet

17-6 Bicycle parking

(a) **Generally**. Bicycle parking may be provided consistent with the recommended standards contained in Exhibit 17-9.

Exhibit 17-9. Recommended number of bicycle parking spaces

Land use	Number of recommended spaces
Primary or secondary school	10 percent of the number of students, plus 3 percent of the number of employees
College or university	6 percent of the number of students, plus 3 percent of the number of employees
Dorms, fraternities, sororities	1 space per 3 students
Shopping mall	5 percent of the number of required vehicle parking spaces
Office	5 percent of the number of required vehicle parking spaces
Governmental	10 percent of the number of required vehicle parking spaces
Movie theater	3 percent of the number of required vehicle parking spaces
Restaurant	3 percent of the number of required vehicle parking spaces
Manufacturing / industrial	3 percent of the number of required vehicle parking spaces
Other	3 to 7 percent of the number of required vehicle parking spaces

(b) **Location**. Bicycle parking shall be located in visible and prominent locations near the building entrance and shall be as close, or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the building entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking shall be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by an awning, overhang, or similar covering. Racks shall not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.

(c) **Design**. Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.

(d) **Accessibility**. Each bicycle parking space shall be accessible without moving another bicycle. In most circumstances, a space 2 feet by 6 feet is adequate. When needed, an aisle at least 5 feet wide shall be provided. (Exhibit 17-7)

(e) **Lighting**. Bicycle parking spaces shall have adequate lighting to promote security and avoid vandalism and theft.

(f) **Rack design**. Bicycle parking may be provided in floor, wall, or ceiling mounted racks. Racks should meet the following requirements:

(1) The rack holds the bicycle frame, not just a wheel.

(2) A U-shaped shackle lock can be used to secure the bicycle to the rack.

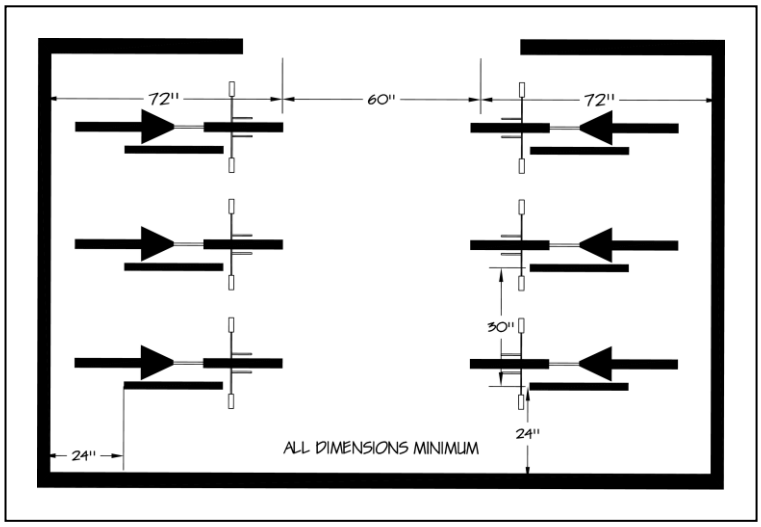
(3) The rack is designed to accommodate a wide range of bicycle sizes, wheel sizes, and types.

(4) The rack is covered with material that will not chip the paint off of a bicycle that leans against it.

(5) The rack does not have hazards, such as sharp edges.

(6) The rack is securely fastened to the ground, a wall, or other solid surface.

Exhibit 17-10. Layout of bicycle parking spaces



TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 18
SIGNS AND MURALS

Divisions

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DIVISION 1
SIGNS

Sections

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18-3	Applicability	18-15	Signs allowed without a permit
18-4	Prohibited signs	18-16	Signs allowed with a permit in a residential zoning district
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18-6	Sign lighting	18-18	Signs in a planned development district
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18-8	Projecting signs	18-20	Removal of illegal signs placed on public property
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18-1 Legislative findings

The Common Council makes the following legislative findings relating to signs:

(1) In addition to signage allowed by this article, individuals, groups of people, and businesses have numerous means to communicate different types of speech, including print media, broadcast media, direct mailings to households, and dissemination of information on the Internet.

(2) Sign regulations in this article (i) promote the public welfare, health, and safety of people using the public roads and other public travelways; (ii) advance the aesthetic goals of the city, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public; and (iii) reduce the visual clutter caused by advertising signage which is a significant cause of unsafe traffic and visibility conditions.

(3) Sign regulations in this article are not intended to control the content of a message, except as allowed by law, or to unduly restrict the appearance of a sign.

(4) The limitations placed on signs by this article are deemed to be the minimum necessary to accomplish the purposes of this article.

(5) A 70-mile segment of State Highway 13, including Bayfield Street in the City of Washburn, was designated a Wisconsin Scenic Byway in 2013 pursuant to s. 84.106, Wis. Stats., and the requirements in ch. Trans 202, Wis. Admin. Code. Designation as a scenic byway means that off-premise signs that can be seen from the route are not permitted (see s. Trans 201.23, Wis. Admin. Code).

18-2 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

(1) promote the desired community character described in the City's comprehensive plan;

(2) comply with all requirements related to designation as a Wisconsin scenic byway;

(3) promote well maintained and attractive signage within the city;

(4) provide for adequate business identification, advertising, and communication;

(5) protect the safety and efficiency of the transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see and recognize pedestrians, obstacles, other vehicles, and official traffic signs, signals, or devices by minimizing a proliferation of visual messages; and

(6) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards.

18-3 Applicability

The regulations in this division apply to all signs except for the following, which are exempt:

(1) A traffic control sign and other similar signage when located on public property along a roadway or other travelway when placed by or authorized by the federal government, the state of Wisconsin, Bayfield County, or a municipal government.

(2) A sign inside of a building that does not meet the definition of a window sign.

(3) A legal notice posted on private property as may be required or authorized by municipal, state, or federal law.

(4) Scoreboards related to outdoor athletic fields, which are reviewed as part of a site plan review as described in Article 7 of this chapter.

(5) Team support banners that are temporarily affixed to a fence on an outdoor athletic field, which are subject to other regulations as may be adopted by the Common Council.

(6) Civic event banners that are temporarily placed above a public right-of-way, which are subject to other regulations as may be adopted by the Common Council.

18-4 Prohibited signs

(a) **General prohibition**. Any sign not specifically allowed in this article is prohibited.

(b) **Vehicle signs**. Vehicles, including automobiles, trucks, trailers, semi-trailers, campers, and buses that contain a sign for which the apparent purpose is to advertise a product or direct people to a business or an activity shall not be parked on a public right-of-way or on private property so as to be seen from a public right-of-way, except that such a vehicle is used in the daily operation of a business for service calls, deliveries, and the like (Exhibit 18-1).

Exhibit 18-1. Example of a vehicle sign

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(c) **Roof signs**. Signs affixed to a roof of a building in any manner, whether directly or indirectly, are prohibited.

(d) **Search lights and beacons**. Search lights and beacons are prohibited.

(e) **Wind signs**. Wind signs, consisting of a string of interconnected banners or pennants (with or without messages) are prohibited.

(f) **Off-premise signs**. Off-premise signs are prohibited, except as specifically allowed in this article.

18-5 General standards

A sign allowed by this article shall comply with the following general requirements in addition to other standards that may apply:

(1) A sign shall be constructed of durable, weather-resistant materials.

(2) A sign shall not resemble, imitate, or approximate the shape, size, form, or color of a railroad or traffic sign, signal, or device.

(3) A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

(4) A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape.

(5) A sign shall not be attached to a standpipe or fire escape.

(6) A sign is allowed in a vision triangle if the sign complies with the standards in s. 8-76.

(7) A sign shall not oscillate or rotate.

(8) A sign shall not emit an audible sound, odor, or any visible matter (e.g., steam, smoke, confetti).

(9) A sign shall not be placed on a telecommunication tower, except as required or permitted under Article 8.

(10) A sign shall be constructed and mounted so as to comply with state and local building codes as applicable.

(11) A sign containing electrical wiring shall be constructed, installed, and operated so as to comply with state and local electrical codes as applicable.

(12) A sign shall not be painted on or similarly affixed to a natural object, such as a tree or rock.

(13) When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture shall be placed underground from the service disconnect.

(14) Signs shall not be located on public property except as specifically allowed in this article.

18-6 Sign lighting

Lighting of a sign when allowed by this article shall comply with the following standards:

(1) Internal or external illumination shall not flash or change color.

(2) Lighting for an externally illuminated sign shall be shaded, shielded, and directed away from surrounding properties and vehicular traffic.

(3) Neon lighting or lighting having the same appearance of neon lighting may be used.

(4) For a sign with internal illumination, the background of the sign face shall be made of an opaque material to allow internal light to project only through the lettering and/or logos or a colored translucent material (i.e., not white, cream, off-white, or other light color) with either translucent or opaque lettering and/or logos.

(5) Lighting shall not oscillate or move or give the appearance of movement.

18-7 Electronic message displays

(a) **Findings**. The common Council makes the following findings regarding electronic message displays:

(1) Electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.

(2) Electronic displays that are too bright at night can be offensive and reduce the legibility of the display copy.

(3) Technology exists to control lighting levels, with scheduled dimming based on sunset-sunrise tables or with photocells.

(4) Appropriate standards are necessary to ensure electronic displays do not become a nuisance to surrounding property owners or pedestrians or a distraction to passing motorists.

(b) **General standards**. An electronic message display when allowed by this article shall comply with the following standards:

(1) An electronic message display must be equipped with technology the sign owner can use to program lighting levels to comply with the lighting standards in this section.

(2) Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.

(3) No part of the message shall give the appearance of movement.

(4) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).

(5) Lighting levels shall not exceed 0.3 footcandles over ambient lighting conditions when measured at the specified distance in the table below, based on the size of the display. However, lighting levels shall not exceed 0.1 footcandles over ambient lighting conditions at the property boundary line of a residential property or 0.2 footcandles over ambient lighting conditions at the property boundary line of a commercial, industrial, or institutional property.

Sign Area (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55

Note: The sign areas listed in this table are for illustration only. The Village's sign regulations may not allow the sign areas listed. For signs areas not listed, the measurement distance is calculated with the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft. x 100}}$$

(6) The background of the message display shall be a solid color.

(7) The message on an electronic message display shall only relate to the premises on which it is located, except for public service announcements.

(8) The electronic message display shall be turned off by 11:00 p.m. each day or one hour after the close of the business on the premises whichever is later and shall remain off until 5:00 a.m. the following day.

(9) An electronic message display shall be located on no more than one sign per road frontage.

18-8 Projecting signs

A projecting sign shall comply with each of the following:

(1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.

(2) The sign shall not extend more than 8 feet from the building on which it is attached.

(3) The top of the sign shall not be higher than the building on which it is located.

(4) When located above a walkway, the bottom edge of the sign shall be at least 10 feet above the surface of the walkway beneath the sign.

(5) When located above a driveway or an alley, the bottom edge of the sign shall be at least 15 feet above the surface of such driveway or alley.

(6) If a projecting sign extends over public property (i.e., above a public sidewalk), the property owner shall provide all assurances as may be specified by the city administrator and/or the city attorney before a sign permit can be issued.

18-9 Awning signs

A sign on an awning shall comply with each of the following:

(1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.

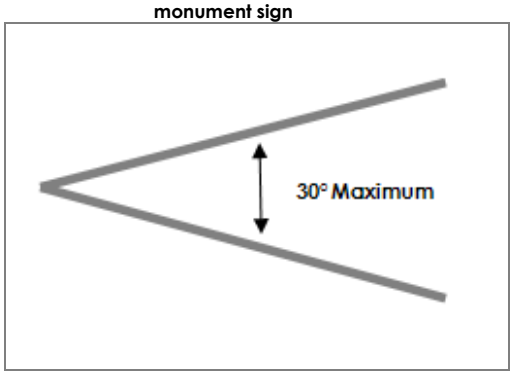
(2) If a canopy extends over public property (i.e., above a public sidewalk), the property owner shall provide all assurances as may be specified by the city administrator and/or the city attorney before a sign permit can be issued for a canopy sign.

(3) When located above a walkway, the bottom edge of the canopy shall be at least 8 feet above the surface of the walkway beneath the canopy.

(4) The sign shall only be placed on the vertical flap of the canopy and may not occupy more than 50 percent of the area of the flap.

(5) The canopy, whether existing or proposed, shall be made of an opaque material.

Exhibit 18-2. Maximum angle for a double-faced monument sign



18-10 Free-standing signs

(a) **General standards**. A free-standing sign shall comply with each of the following:

(1) When a free-standing sign is located in a residential zoning district, landscaping shall be provided and maintained around the base of the sign for a minimum distance of 5 feet. Such landscaping may consist of turf, small shrubs, ground cover, or a combination thereof.

(2) The base of a monument sign shall be covered with brick, stone, split-face masonry block, wood, stucco, or other material that complements the materials on the principal building.

(3) The base of a monument sign shall be at least 80 percent of the width of the sign.

(4) A monument sign may be double-faced, provided the angle between the two sign faces does not exceed 30 degrees (Exhibit 18-2). If the sign faces are more than 30 degrees, both faces are considered single-sided and included in determining the area of the sign.

(5) A pole or pylon sign may be double-faced provided the two faces are parallel to one another.

(6) A free-standing sign shall be located at least 5 feet from the front lot line, 5 feet from a side or rear lot line if the adjoining property is non-residential, and 10 feet from a side or rear lot line if the adjoining property is in a residential zoning district.

Exhibit 18-3. Measuring the area of a free-standing sign

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(7) A free-standing sign shall be located at least 15 feet from an access drive and 5 feet from a parking lot.

(8) A free-standing sign shall be self-supporting (i.e., no guy wires or the like).

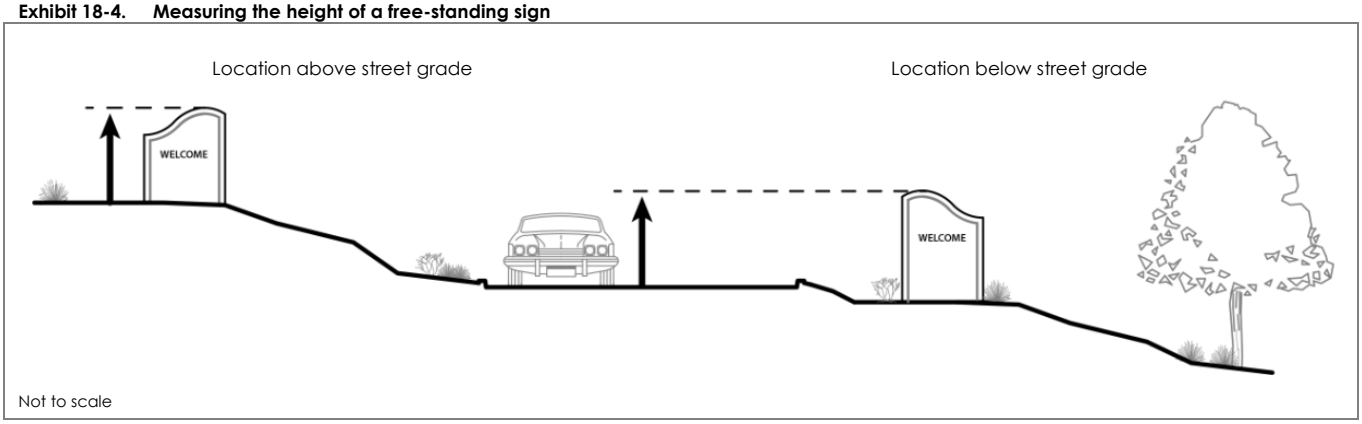
(9) A free-standing sign shall be attached to a permanent foundation set in the ground.

(10) A free-standing sign shall not unreasonably obstruct the view of a conforming sign on another property.

(b) **Measuring the area of a free-standing sign**. The area of a freestanding sign is the entire surface area on which the message could be placed (Exhibit 18-3). The supporting structure or bracing is not included.

(c) **Measuring the height of a free-standing sign**. If the location of a freestanding sign is above street grade, the height of the sign is measured from the surrounding grade which may not be modified so as to increase the overall height of the sign (Exhibit 18-4). If the location of a monument sign is below street grade, the height of the sign is measured from the centerline of the street immediately in front of the sign (Exhibit 18-4).

Exhibit 18-4. Measuring the height of a free-standing sign



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18-11 Hanging signs

(a) **Standards**. A hanging sign shall comply with each of the following:

(1) The sign shall be constructed of rigid material.

(2) The sign may be externally illuminated; internal lighting is strictly prohibited.

(3) The bottom edge of the sign shall be at least 8 feet above the sidewalk beneath the sign.

(4) The sign shall not have more than two faces.

(b) **Measuring the area of a hanging sign**. The area of a hanging sign is the entire surface area on which the message could be placed.

18-12 Wall signs

(a) **Standards**. A wall sign shall comply with each of the following:

(1) The sign shall complement the scale, proportion, and architectural style of the building on which it is to be attached.

(2) A wall sign shall not project from the wall on which it is attached by more than 12 inches.

(3) No portion of the sign shall extend above the wall face on which the sign is located.

(b) **Measuring the area of a wall sign**. The area of a wall sign without a distinctive border of background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a wall sign with a distinctive border or background is the small rectangle encompassing the border or background (Exhibit 18-5).

Exhibit 18-5. Measuring the area of a wall sign

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18-13 Window signs

A window sign shall comply with each of the following:

(1) The placement of a window sign shall not be placed on a door window or window so as to constitute a hazard for pedestrian or guest traffic and safety.

(2) Signage shall be placed on the interior of the glass.

18-14 Sidewalk signs

A sidewalk sign shall comply with each of the following:

(1) A sidewalk sign shall have a small, but legible label identifying the business that owns the sign, a contact name, address, and phone number.

(2) The overall width of a sidewalk sign including all components shall not exceed 36 inches.

(3) A sidewalk sign must be securely weighted or otherwise designed to not shift, move, or topple over in the wind or present a hazard to the public.

(4) A sidewalk sign may have two stabilized wheels for moving the sign.

(5) A sidewalk sign shall only be placed at the location specified on the approved sign permit.

(6) A sidewalk sign shall be located immediately in front of business, except the zoning administrator may approve an alternate location in the sign permit when necessary to accomplish the intended purpose of the sign.

(7) A sidewalk sign shall not obstruct vehicular/bus stops, benches, fire hydrants, or other features located legally in the right-of-way or be located closer than 10 feet to another sidewalk sign. A sidewalk sign shall be located near the curb, rather than the building face.

(8) A sidewalk sign shall not obstruct the use of the sidewalk by pedestrians.

(9) A sidewalk sign shall not be located closer than 5 feet to an adjacent parcel line.

(10) A sidewalk sign shall not be located in a vision triangle as specified in s. 8-76.

18-15 Signs allowed without a sign permit

(a) Signage for a property zoned for single-family is allowed without a permit as follows:

(1) **Maximum sign area**: the area of all signs shall not exceed 14 square feet on a single-side sign or 28 feet on a double-sided sign

(2) **Number permitted**: no limitation except by total sign area

(3) **Type**: signage may be temporary or permanent

(4) **Placement**: signage may free-standing or affixed to the house, except no signage shall placed above the roof eaves or on a gable end

(5) **Time limitation**: none

(6) **Type of illumination permitted**: none except for indirect ambient lighting

(7) **Type of display permitted**: static display

Types of signage can include the following:

(1) Signage for an authorized commercial use of the property (e.g., bed and breakfast)

(2) Building marker signage (i.e., signage with the name of the building or date of construction or both

(3) Construction/maintenance signage (i.e., signage that identifies the architects, engineers, contractors and other individuals or firms involved with construction/maintenance taking place on the premises)

(4) Free speech signage, including political and religious messages

(5) Historic marker (i.e., signage marking a historic building, site, landmark, or similar designation by the federal government, the state of Wisconsin, Walworth County, a local government, or a non-profit organization)

(6) Open house real estate signage (i.e., signage that indicates that a particular residence that is for sale/lease is or will be open to the public for viewing)

(7) Personal greeting and congratulatory sign (i.e., signage related to a homecoming of a person or group of people or a personal event or accomplishment)

(8) Private property protection signage (i.e., signage containing wording indicating an intent to deny entry to the general public, such as "no trespassing" or "private property")

(9) Property address

(10) Quasi-public event signage (i.e., signage announcing a noncommercial event or celebration in the community that is sponsored by a civic, educational, patriotic, religious, or nonprofit organization)

(11) Yard sale signage (i.e., signage announcing a yard, rummage, or garage sale as may be authorized by this chapter)

(b) Window sign(s) for a commercial business not located in a residential zoning district is allowed without a permit as follows:

(1) **Zoning district**: Commercial and Industrial zoning districts

(2) **Placement / type**: no limitation

(3) **Time limitation**: none

(4) **Number permitted**: no limitation

(5) **Maximum sign area**: 30 percent of glass area located on the ground floor level per road frontage

(6) **Type of illumination permitted**: none

(7) **Type of display permitted**: static display

18-16 Signs allowed with a permit in a residential zoning district

Signage for the specified uses as may be allowed in a residential district is allowed with a sign permit consistent with the standards in Table 18-1.

Table 18-1. Signs allowed with a permit in a residential zoning district

Land use / sign type		Number of signs	Maximum sign area	Maximum sign height	Illumination	Type of display permitted
Identification sign for a residential complex	A. Wall sign	1 per street frontage	16 square feet or 10 percent of the wall area, whichever is less	8 feet	External	Static display
	B. Free-standing sign – monument sign only	1 per premises	16 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
Identification sign for a subdivision	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
Temporary identification sign for an approved subdivision	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
Identification sigh for a neighborhood	Free-standing sign – monument sign only	1 per vehicular access point	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
Identification sign for an institutional use	A. Wall sign	1 per street frontage	32 square feet or 10 percent of the wall area, whichever is less	10 feet	External or internal	Static display
	B. Free-standing sign – monument only	1 per premises	32 square feet when single-sided; 32 square feet per side when double-sided	6 feet	External	Static display
	C. Parking lot entrance sign	One at each vehicular access point to the site but no closer than 300 feet on the same road frontage or closer than 300 feet to another free-standing sign	8 square feet when single-sided; 8 square feet per side when double-sided	5 feet	External	Static display

18-17 Signs allowed with a permit in a commercial, industrial, or special purpose zoning district

(a) **Maximum area**. The maximum sign area that is permitted on a given parcel is dictated by the floor area of the building on the parcel as set forth in Table 18-2.

(b) **Permitted signs**. The signs listed in Table 18-3 are allowed with a permit as specified.

Table 18-2. Maximum sign area allowed in a commercial, industrial, or special purpose district

Floor area of business	Maximum sign area on the premises
5,000 square feet or less	100 square feet
5,000 – 9,999 square feet	150 square feet
10,000 - 19,999 square feet	300 square feet
20,000 square feet and more	450 square feet

Table 18-3. Signs allowed with a permit in a commercial, industrial, or special purpose district

Sign type	Number of signs	Maximum sign area by type of sign [1]	Maximum sign height	Illumination	Type of display permitted
Wall sign	1 per street frontage	100 square feet or 10 percent of the wall area, whichever is less	8 feet	External or internal	Static display
Projecting sign in lieu of an awning sign or a canopy sign	1 per frontage	36 square feet per side	NA	External or internal	Static display
Canopy sign in lieu of an awning sign or a projecting sign	Signage on one canopy	50 percent of the gross surface area of the smallest face of the canopy to which the sign is affixed	NA	None	Static display
Awning sign in lieu of a canopy sign or a projecting sign	Signage on one awning	One line of copy no higher than 8 inches on the vertical flap	NA	None	Static display
Free-standing sign – pole or monument	1 per premises [2]	80 square feet when single-sided; 80 square feet per side when double-sided	Monument: 6 feet Pole: 8 feet	External or internal	Static display
Sidewalk sign [3]	1 per distinct business	1,215 square inches with a maximum width of 27 inches (27" x 45")	NA	None	Static display

Notes:

1. See Table 18-2 for maximum sign area on a premises
2. Free-standing signs are not allowed in the C-3 district
3. Sidewalk signs are only allowed in the C-3 district

(c) **Supplemental signage**. In addition to the signage allowed in this section, an owner is granted an additional 24 square feet of signage (48 square feet if double-sided) that can be used for wall signage or free-standing sign. Such signage may be used for any message including non-commercial speech and for indicating the property is for sale, rent, or lease.

18-18 Signs in a planned development district

Signs in a planned development district shall comply with the requirements of the underlying zoning district as set forth in this article except as modified by the approved project plan.

18-19 Maintenance

The person owning the property on which a sign is located shall maintain such sign in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning, and other acts required for proper maintenance. A dangerous sign shall be made to conform or removed within 5 calendar days of receipt of a written notice from the zoning administrator, unless a shorter compliance period as

specified in the notice is required to protect public safety. If the property owner does not comply, the Common Council may remove such sign pursuant to the authority and subject to the requirements set forth in s. 66.0413, Wis. Stats.

18-20 Removal of illegal signs placed on public property

Government personnel may remove a sign placed illegally on public property (e.g., within a street right-of-way or a public park) without notice to the person who installed or authorized the installation of the sign. The official removing such sign may dispose of the sign at his or her discretion.

18-21 Abandoned signs

A sign or sign message shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when the lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the City of Washburn, or its legal designee, shall give the owner 60 days' written notice to remove the said sign. Upon failure to comply with this notice, the City of Washburn, or its legal designee, may cause removal to be executed, the expenses of which shall be assessed to the tax roll of the property on which the abandoned sign is located. (s. of the current zoning code)

18-22 Nonconforming signs

Nonconforming signs shall comply with the requirements set forth in Article 19.

18-23 to 18-40 Reserved

DIVISION 2
MURALS

Sections

18-41	Legislative findings	18-43	Review procedure
18-42	Applicability	18-44	Design, installation, and maintenance

18-41 Legislative findings

The Common Council makes the following legislative findings relating to murals:

(1) A mural, by definition, does not communicate a commercial message, and therefore does not constitute a sign.

(2) A mural can help foster community identity by depicting a scene or event of natural, social, cultural, or historical significance.

(3) Given the prominence of most murals, standards must be established so that murals become a community asset.

18-42 Applicability

The regulations in this division apply to all murals visible from an adjoining property or a public roadway.

18-43 Review procedures

A mural must be approved pursuant to the procedures and requirements set forth in Article 7.

18-44 Design, installation, and maintenance

(1) Prior to painting or affixing a mural to the building, the surface of the building must be fully repaired and/or deemed suitable for the proposed mural. The City building inspector shall check the surface of the structure for general suitability. However, the City of Washburn and/or the building inspector shall not be responsible for any potential future failures associated with the structure or the mural.

(2) A clear sealer shall be applied to the surface of the mural to extend the life of the mural and to make it easier to clean and maintain.

(3) Exterior lighting may be allowed depending on location and potential off-site impacts on residential properties.

(4) The property owner is responsible for ongoing maintenance and cleaning of the mural.

(5) If any work related to the installation, cleaning, or maintenance of the mural occurs on public property, the property owner shall provide evidence of adequate liability insurance in an amount and of a type acceptable to the city administrator and the city may require measures to address parking impacts, if any, and to protect pedestrians and the public infrastructure.

TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 19
OUTDOOR LIGHING

Sections

19-1	Legislative findings	19-5	Special provisions for street lights
19-2	Compliance	19-6	Special provisions for security lights
19-3	Exemptions	19-7	Lighting plan
19-4	General requirements		

19-1 Legislative findings

The Common Council makes the following legislative findings relating to outdoor lighting:

(1) Light pollution would detract from the character of the City of Washburn.

(2) Excessive lighting wastes energy.

(3) Glare from nonvehicular light sources can pose a threat to the safety of drivers and pedestrians.

(4) Light trespass can intrude on the enjoyment of private property.

(5) The regulations in this chapter relating to outdoor lighting are intended to provide nighttime safety, utility, security, and productivity.

(6) Regulations in this chapter relating to outdoor lighting are adopted to promote the public health, safety, and general welfare of city residents.

19-2 Compliance

All outdoor lighting, except lighting that is specifically exempted in s. 19-3, shall comply with this Article as applicable and all applicable building and electrical codes. If any project increases the number of existing luminaires on a property by 25 percent or more, all existing luminaires on such property shall be made to comply with this Article or be removed.

19-3 Exemptions

The following types of outdoor lighting are exempt from this Article:

(1) Emergency lighting when used by police, firefighters, medical personnel, public works, and other responders for the duration of the emergency situation.

(2) The lighting of flags of the United States, State of Wisconsin, City of Washburn, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided such lighting does not trespass onto another property.

(3) Holiday lighting.

(4) Lighting on towers when required by a regulating authority.

(5) Airport lighting when required by a regulating authority.

(6) Underwater lighting used for the illumination of swimming pools and fountains.

19-4 General requirements

(a) **Overhead lines prohibited**. Electrical feeds for outdoor lighting shall be run underground, not overhead.

(b) **Parking lot lights**. A lighting standard in a parking area shall be placed (1) at least 5 feet outside of the paved area, (2) within a landscape island, (3) on a concrete pedestal that is at least 24 inches but not more than 36 inches high above the pavement, or (4) protected by other means as may be approved by the Plan Commission or zoning administrator.

(c) **Canopy lights**. Canopy lights for a vehicle fuel station shall be recessed or shielded so that no light source is visible from or causes glare on a public right-of-way or adjacent property.

(d) **Lighting in bufferyards**. Light poles shall not be placed within a required bufferyard, except for pedestrian lighting along a sidewalk or other pedestrian way.

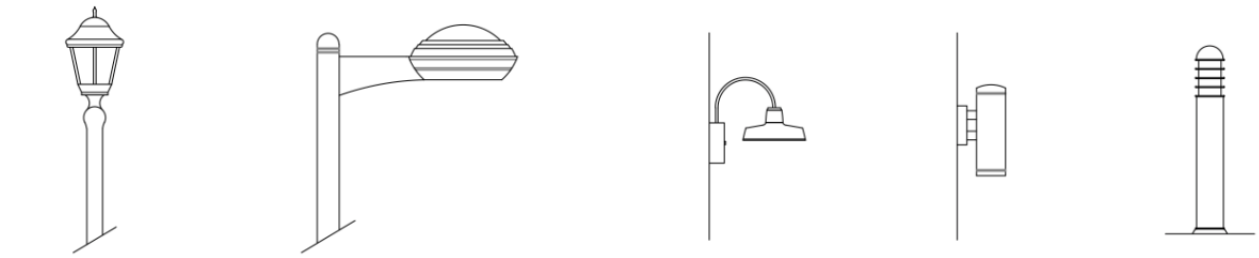
(e) **Specific standards**. Outdoor lighting shall be designed to comply with the standards in Table 19-1. Examples of cutoff luminaires are depicted in Exhibit 19-1 and key features of a parking lot are depicted in Exhibit 19-2.

Table 19-1. Specific lighting requirements

	Single family, duplex, and twin home	Multi-family (3 or more dwelling units)	Commercial, industrial, and institutional	Athletic fields and public outdoor venues
Fixture type [1,2]	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	1,000 lumens or less – no limitation More than 1,000 lumens - cutoff or shielded	No limitation
Light trespass [3,4]	The intensity of illumination projected onto another property shall not exceed 0.1 footcandle.	The intensity of illumination projected onto another property shall not exceed 0.1 footcandle.	The intensity of illumination projected onto a residential property shall not exceed 0.1 footcandle and 0.2 footcandles onto another commercial, industrial, or institutional use.	The intensity of illumination projected onto a residential property shall not exceed 0.1 footcandle and 0.5 footcandles on a commercial, industrial, or institutional use
Maximum height of freestanding luminaire [5]	35 feet or more – 15 feet [6] 27 feet or more but less than 35 feet – 12 feet [6] Less than 27 feet – 9 feet [6]	Parking lots – 25 feet Pedestrian lighting – 12 feet	Parking lots – 25 feet or 16 feet if located within 50 feet of a residential zoning district (Exhibit 19-2) Pedestrian lighting – 12 feet	No limitation
Maximum lighting levels [8]	No limitation	Zone 1 - 100,000 lumens per acre Zone 2 – 50,000 lumens per acre	Zone 1 - 100,000 lumens per acre Zone 2 – 50,000 lumens per acre	No limitation
Minimum lighting levels	NA	NA	0.2 footcandles for parking lots, loading areas, and similar use areas	NA
Light curfew	NA	None	On-site lighting levels in parking lots reduced by at least 50 percent by 10:00 p.m. or 30 minutes after the close of business for the day, whichever is later	Lights to be turned off no later than 1 hour after the end of the event

Notes:
1. Exhibit 19-1 shows various types of lighting that are typically classified as full cutoff.
2. See s. 19-7 for special provisions for security lighting.
3. Stated levels are above ambient lighting conditions on a cloudless night.
4. The Plan Commission may exercise discretion in regard to light trespass onto a public right-of-way if it is determined to be beneficial to safe lighting conditions of adjacent sidewalks or other public areas.
5. The height of a freestanding luminaire is measured from the ground directly below the center line of the luminaire to the lowest part of the luminaire that emits light.
6. The maximum height is based on the proximity of the luminaire to the adjoining property boundary line.
7. For lamp types that vary in their output as they age (e.g., high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.
8. Pursuant to the procedures and requirements in Article 7, the Plan Commission may approve a special exception to allow an increase of no more than 5 percent when needed to ensure public safety.

Exhibit 19-1. Examples of cutoff lighting



No scale

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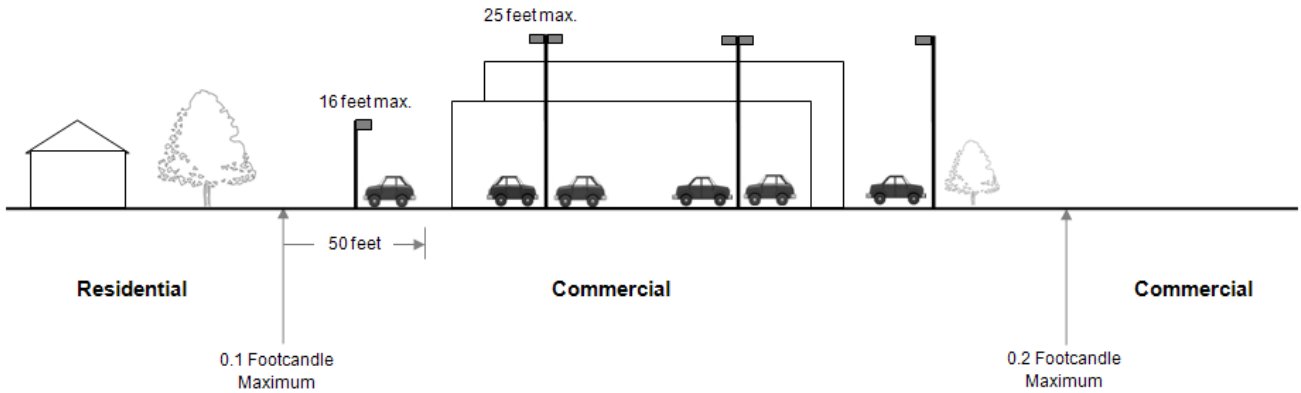
Exhibit 19-2. Key features for lighting in a parking lot



No scale

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19-5 Special provisions for street lights

Street lights located within a public right-of-way are exempt from this Article, except that all fixtures (new and replacements) installed after December 31, 2016 shall be cut-off and energy efficient.

19-6 Special provisions for security lights

Security lights are permitted provided the following conditions are met:

(1) The luminaire is top-shielded or located below an eave.

(2) The lamp is rated less than 2,000 lumens.[1]

(3) Lights are directed so as to limit direct glare onto adjacent properties.

(4) Light switching is automated (e.g., motion sensor).

(5) When the lamp is activated, the illumination level at a distance 25 feet shall not exceed 0.5 footcandles.

[1] Commentary: Examples of lamp types of less than 2,000 lumens include a 100-watt standard incandescent, a 15-watt cool fluorescent, a 15-watt compact fluorescent, and an 18-watt low pressure sodium lamp.

19-7 Lighting plan

(a) **General**. At the time any exterior light is installed or substantially modified, and whenever a development-related application is made a lighting plan shall be submitted for review and approval consistent with the requirements for a site plan set forth in Article 7.

(b) **Content**. A lighting plan shall include the following:

(1) A description of all existing and proposed luminaires, including name of manufacturer, product number, lamp type, mounting height, and lumen output. This may include manufacturer's catalog cut sheets.

(2) A photometric plan indicating the location of all existing and proposed luminaires, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

(3) Other information the zoning administrator deems necessary to ensure compliance with this Article.

(c) **Amendment of an approved lighting plan**. The zoning administrator may upon petition approve an amendment to an approved lighting plan based on a finding that the amendment is minor and otherwise complies with the requirements of this Article in effect at the time. Any proposed amendment that the zoning administrator determines to be substantial, shall require a new approval and all procedures and requirements in place at the time must be followed.

TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 20
RESERVED

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TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 21
NONCONFORMITIES

Sections

21-1	Legislative findings	21-7	Special provisions for nonconforming signs
21-2	Official registry of nonconforming lots, structures, signs, and land uses	21-8	Special provisions for nonconforming boathouses Special provisions related to the shoreland-wetland overlay district
21-3	Nonconforming lots	21-9	Special provisions related to the floodplain overlay district
21-4	Nonconforming structures		
21-5	Nonconforming uses		
21-6	Nonconforming conditional uses		

21-1 Legislative findings

The Common Council makes the following legislative findings relating to nonconformities:

(1) There may exist lots, structures, uses, and signs in the City of Washburn that were lawfully established but that do not now comply with one or more provisions of the zoning district in which they are located.

(2) It is not the intent of this chapter to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the zoning districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein.

(3) State law permits the reconstruction of nonconforming structures under certain circumstances.

21-2 Official registry of nonconforming lots, structures, signs, and land uses

(a) **Content of registry**. The zoning administrator is authorized to develop and maintain a registry of (1) lots known by him or her to be considered nonconforming, (2) structures known by him or her to be considered nonconforming, (3) signs known by him or her to be considered nonconforming, and (4) land uses known by him or her to be considered nonconforming and those which have registered as a nonconforming use consistent with the requirements in Article 7 of this chapter.

(b) **Form of registry.** At the discretion of the zoning administrator, the registry may consist of either a written list or digital records.

(c) **Disclaimer**. Given the nature of the registry, the city does not warrant that such information is complete and/or accurate in all respects.

21-3 Nonconforming lots

(a) **Generally**. A valid, prior nonconforming lot (herein after nonconforming lot) may be used for an allowable use, provided such use complies with all other development standards of the zoning district in which the lot is located.

(b) **Common ownership of abutting lots**. If a nonconforming lot of record abuts another lot of record, both of which are owned by the same individual or other legal entity, such lots shall be combined prior to the issuance of a zoning permit or a building permit for new construction, if one or both of the lots are vacant.

(c) **Alteration of property boundary lines**. The location of a property boundary line of a nonconforming lot shall not be modified by any means, except when the new property boundary line location will make the nonconforming lot to be conforming or lessen the nonconformity. Any such change in a property boundary location shall be reviewed and approved by the Common Council upon recommendation of the Plan Commission.

21-4 Nonconforming structures

(a) **Generally.** A valid, prior nonconforming structure (herein after nonconforming structure) may be used for any conforming use.

(b) **Enlargement**. A nonconforming structure that is used for a conforming use may be enlarged provided the Plan Commission authorizes such enlargement pursuant to the requirements in Article 7.

(c) **New foundation/basement**. The placement of a new foundation or basement under an existing nonconforming structure that is not located in the 100-year floodplain is permitted provided the foundation or basement does not extend beyond the vertical extent of the existing exterior wall.

(d) **Unsafe conditions**. Nothing in this article shall preclude the building inspector or any other city official from initiating remedial or enforcement actions when a nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare; constitutes a public nuisance; or is in violation of any licensing regulation.

(e) **Ordinary repair and maintenance, and remodeling**. Nothing in this article shall be deemed to prohibit or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(f) **Reconstruction following damage**. A nonconforming structure that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the structure may be larger when necessary to comply with state or federal requirements.[1]

(g) **Relocation**. A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

21-5 Nonconforming uses

(a) **Generally**. A valid, prior nonconforming use (herein after nonconforming use) may continue to exist so long as it remains otherwise lawful, subject to the provisions in this section.

(b) **Cessation of use**. If a nonconforming use ceases for any reason, whether intentional or otherwise, for more than 12 continuous months, such use shall not thereafter be reestablished.[2] A business of a seasonal nature shall not be deemed to be discontinued during periods in which it is normally inactive (e.g., marinas, summer camps). If the zoning administrator determines that a nonconforming use has ceased to operate for more than the aforementioned time period, he or she shall initiate the process established under Article 7 to terminate the nonconforming use. However, if a temporary structure houses a nonconforming use, such use shall terminate when the temporary structure is removed.

(c) **Change in extent**. Except as may be provided in this article or in state law, a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(d) **Limitation on structural alterations to structure housing nonconforming use.** Structural alterations to a structure housing a nonconforming use shall not exceed, on an accumulative percentage basis, 50 percent of the equalized assessed value of such structure.[3] For example, if a property owner makes structural alterations, the cost of which equals 40 percent of the current equalized assessed value of the structure, any additional structural alterations are limited to 10 percent of the equalized assessed value at the time of the work.

(e) **Damage to structure housing nonconforming use**. If a structure housing a nonconforming use is damaged beyond 50 percent of its present equalized assessed value, such nonconforming use shall not be reestablished.

(f) **Change of location**. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied on the effective date of this chapter or any amendment thereto that created the nonconforming use.

(g) **Casual, occasional, accessory, or incidental use**. Casual, occasional, accessory, or incidental use after the primary nonconforming use has terminated, shall not be deemed to perpetuate a nonconforming use.[4]

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[1] Commentary: See s. 62.23(7)(h), Wis. Stats.
[2] Commentary: See s. 62.23(7)(h), Wis. Stats.
[3] Commentary: See s. 62.23(7)(h), Wis. Stats.
[4] Commentary: See *Village of Menominee Falls* v. *Veirstahler,* 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994)

(h) **Change of production**. A change in the method or quantity of production and the incorporation of new technology into a nonconforming use is permitted provided the original character of the use remains the same.[5]

(i) **Termination due to effects on public health, safety, and welfare**. In the event the zoning administrator determines that a nonconforming use, regardless of its duration, is harmful to the public health, safety, or welfare, he or she shall follow the procedure outlined in Article 7 of this chapter relating to termination of a use.[6]

(j) **Unsafe conditions**. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof, provided that such work conforms to the provisions in this chapter.

(k) **Licensing**. The operator of a nonconforming use shall obtain such licenses as may be required by the state of Wisconsin, or its designated agent; Bayfield County; or the City of Washburn, and maintain such licenses for the life of the use or until the entity no longer requires such license.

(l) **Conversion to another nonconforming use**. Subject to the requirements in Article 7, a nonconforming use may be converted to a different nonconforming use. Any nonconforming use that has been converted shall continue to be subject to all applicable provisions related to nonconforming uses and to the conversion order as approved by the Common Council.

(m) **Permissible accessory residential uses**. If an existing single-family dwelling unit is classified as a nonconforming use, the establishment of accessory residential uses normally incidental to a single-family dwelling is not considered to be an expansion of a nonconforming use and is permitted provided the accessory use is otherwise allowed by the zoning code and all accessory buildings exceeding 600 square feet must be approved by the Plan Commission upon a determination that the accessory building is otherwise allowed in the zoning district in which it is located.

(n) **Special provisions for manufactured home communities**. Notwithstanding subsection (d) above, a manufactured home community licensed under s. 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

(1) Repair or replacement of any manufactured homes

(2) Repair or replacement of infrastructure.[7]

21-6 Nonconforming conditional uses

(a) **Generally**. Subject to the requirements in Division 3 of Article 7, a nonconforming use may be allowed as a conditional use.

(b) **Expansion and change in a nonconforming conditional use**. If a nonconforming use is approved as a conditional use, it is not subject to the restrictions contained in this article. Any proposed expansion or change in a nonconforming conditional use shall be reviewed as an amendment to the initial approval.

21-7 Special provisions for nonconforming signs

(a) **Change of copy**. The copy of a nonconforming sign may be changed.

(b) **Change of sign face**. The face of a nonconforming sign may be changed provided the building inspector determines that the other features of the sign are structurally sound and properly maintained.

(c) **Change in location**. A nonconforming sign shall not be relocated.

(d) **Change in area**. The area of a nonconforming sign shall not be enlarged or reconfigured in any manner.

(e) **Change in height.** A nonconforming sign shall not hereafter be placed higher even if the height may be permitted in the zoning district in which the sign is located.

(f) **Change in lighting**. A nonconforming sign that is not illuminated may not hereafter be illuminated even though such lighting may be permitted in the zoning district in which the sign is located. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner even

[5] Commentary: See *Racine County* v. *Cape,* 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740
[6] Commentary: See *Town of Delafield* v. *Sharpley,* 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997, 96-2458)
[7] Commentary: See s. 62.23(7)(h), Wis. Stats.

though such lighting may be permitted in the zoning district in which the sign is located, except to bring the existing lighting into compliance (e.g., removal of exposed lights bulbs).

(g) **Addition of an electronic message display**. A nonconforming sign shall not hereafter incorporate an electronic message display even though it may be permitted in the zoning district in which the sign is located.

(h) **Temporary signs**. A nonconforming sign that is described in this chapter as being temporary shall be made to conform with all applicable standards or be removed within 90 calendar days of the date the sign became nonconforming or within a lesser time period specified by the building inspector if he or she determines that the sign poses an unacceptable risk to public health or safety.

(i) **Ongoing maintenance and safety**. A nonconforming sign shall comply with all applicable standards in Article 18, including any requirements related to maintenance and safety.

(j) **Abandonment**. A nonconforming sign that is abandoned as set forth in s. 18-21 shall thereafter be made to conform with all applicable standards or be removed as set forth in that section.

(k) **Reconstruction following damage**. A nonconforming sign that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the sign may be larger when necessary to comply with state or federal requirements.[8]

(l) **Loss of nonconforming status**. If a property owner or the owner of the sign modifies a nonconforming sign in any manner that violates one or more limitations imposed in this chapter, such sign shall thereafter be made to conform with all applicable standards or be removed within 60 calendar days of the date the building inspector makes such determination in writing, or within a lesser time period specified by the building inspector if he or she determines the sign poses an unacceptable risk to public health or safety.

21-8 Special provisions for nonconforming boathouses

The ordinary maintenance and repair of a nonconforming boathouse that extends beyond the ordinary high-water mark shall comply with s. 30.121, Wis. Stats.

21-9 Special provisions related to the shoreland-wetland overlay district

The shoreland-wetland provisions of this code authorized by s. 62.231, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the shoreland wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

21-10 Special provisions related to the floodplain overlay district

Special provisions relating to nonconformities in the floodplain overlay district are included in Division 9 of Article 9.

[8] Commentary: See s. 62.23(7)(h), Wis. Stats.

TITLE 13
CHAPTER 1 – ZONING CODE

ARTICLE 22
ENFORCEMENT

Sections

22-1	Authority for enforcement	22-6	Other remedies
22-2	Actions constituting a violation	22-7	Continuation
22-3	General procedure	22-8	Release of contaminants in the wellhead protection overlay district
22-4	Violation notice	22-9	Penalties
22-5	Stop work order		

22-1 Authority for enforcement

The City has the authority under s. 62.23(7)(f), Wis. Stats., to enforce the provisions of this chapter and establish penalties.

22-2 Actions constituting a violation

Each action that is not in full compliance with this chapter and/or with a condition or requirement of an approval issued pursuant to this chapter shall constitute a separate and distinct violation. Each day that a violation continues is considered a separate offense.

22-3 General procedure

(a) **General steps**. After observing or receiving a complaint of an alleged violation, the zoning administrator shall investigate to determine if a violation does exist. If the property owner does not allow the zoning administrator the right to enter the subject property for the purpose of determining whether a violation exists or not, he or she may request a special inspection warrant from the court pursuant to s. 66.0119, Wis. Stats. If the zoning administrator determines that a violation does not exist, he or she shall notify the complainant and the property owner explaining his or her determination.

If the administrator determines that a violation does exist and the violation does not constitute an immediate threat to public health, safety, or welfare, the following general steps shall be followed.

(1) **Notification of violation**. The zoning administrator shall send a violation notice, as described in this article, to the property owner by regular mail and certified mail.

(2) **Stop work order**. If the violation involves construction and/or any land-disturbing activity, the zoning administrator shall prepare a stop work order and send a copy of the order to the property owner by regular mail and certified mail. The stop work order shall be posted on the property in a prominent location.

(3) **Issuance of a citation**. If the property owner does not bring the property into compliance within 30 days of the date of the violation notice and the property owner has not requested an extension, the zoning administrator or a law enforcement officer employed by the City of Washburn shall send a citation to the property owner consistent with the procedures and requirements set forth in Chapter 2, Title 1 of the municipal code.

If the violation is an immediate threat to the public health, and/or safety, the City may pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section. If a stop work order is issued and work continues in violation of that order, the City may then pursue all remedies, penalties, and enforcement powers available under this article and state law without any prior notice as described in this section.

(b) **Extension to compliance period**. Upon request, the Common Council may grant an extension to the compliance period if the property owner has demonstrated a good faith effort to comply and additional time is needed because of the weather and practical difficulties in meeting the timeline. Any forbearance on the part of the Common Council in this regard shall not be construed as waiving any provision of this chapter.

(c) **Stay of enforcement proceedings**. If the property owner submits an administrative appeal application or variance application to the City consistent with the procedures and requirements set forth in Article 7 and the

appeal or variance relates specifically to the enforcement action, all legal proceedings relating to the enforcement action may be stayed, unless the zoning administrator certifies to the Zoning Board of Appeals that such stay in his or her opinion, would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.[1]

(d) **Reoccurring violation**. If the zoning administrator determines that the property owner has violated this chapter a second time for the same offense within 12 months of bringing the property into compliance, the zoning administrator or a law enforcement officer employed by the City of Washburn shall send a citation to the property owner consistent with the procedures and requirements set forth in Chapter 2, Title 1 of the municipal code.

22-4 Violation notice

(a) **Content**. A violation notice shall include the following:

(1) a description of the violation,

(2) the section(s) of this chapter being violated,

(3) a statement describing the measures that would remedy the violation,

(4) a statement that the property owner has 30 days from the date of the violation notice to comply (or 15 days for the second notice),

(5) information about how the property owner may request an extension to the compliance period,

(6) information about the appeal process, and

(7) information concerning penalties for continued non-compliance.

(b) **Effect of violation notice**. Once a violation notice has been issued all construction or any land development activity related to the violation, except that which is done to ensure compliance, shall cease. In addition, if a property remains in violation the City shall not issue any other permits or approvals for any development on the premises.

22-5 Stop work order

(a) **Content**. A stop work order shall state the section of this chapter that is being violated, the name of an individual who should be contacted along with his or her work telephone number, a statement that all work on the premises must cease immediately until the zoning administrator rescinds the stop work order, and that removal of the stop work order constitutes a violation of this chapter.

(b) **Effect of stop work order**. Once a stop work order has been issued pursuant to this article all work on the property shall cease until such time as it is lifted by the zoning administrator.

(c) **Unauthorized removal of stop work order**. No person, other than the zoning administrator, shall remove a stop work order from the location it was posted. The removal of a stop work order by a person without authority to do so constitutes a violation of this chapter.

22-6 Other remedies

The City or any aggrieved person may seek an injunction, restraining order, or other equitable relief in court to stop any violation of this chapter and/or an order requiring the property owner to restore the property to the condition that existed prior to the violation.

22-7 Continuation

Nothing in this chapter shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

[1] Commentary: See s. 62.23(7)(e)5, Wis. Stats.

22-8 Release of contaminants in the wellhead protection overlay district

An individual and/or facility that releases a contaminant in the wellhead protection overlay district is subject to the requirements in s. 12-5.

22-9 Penalties

Any person that violates this chapter shall be subject to a forfeiture as provided for in the deposit schedule in effect at the time of the citation.

Appendix A
Map Requirements

The following information should be provided for each type of application to the extent applicable to the project.

				Project Maps		
Type of Information	**Site plan**	**General development plan** [1]	**Precise implementation plan** [1]	**Conditional use**	**Zoning map amendment**	**Special exception and variance**
Background Project Information						
Project name	X	X	X	X	X	X
Applicant name	X	X	X	X	X	X
Preparation date	X	X	X	X	X	X
Name of preparer	-	X	X	-	-	-
Survey Information						
North arrow and graphic scale	X	X	X	X	X	X
Address of subject property or legal description	X	X	X	X	X	X
Property boundaries	X	X	X	X	X	X
Acreage of subject property	X	X	X	X	X	X
Project Development Information						
Land use summary table by density/intensity and acreage	-	X	X	-	-	-
Easements/rights-of-ways (location, width, purpose, ownership)	X	X	X	X	-	X
Common areas/conservancy areas (location, purpose, ownership)	X	X	X	X	-	-
Land to be dedicated to the public (boundaries, area, purpose)	-	X	X	-	-	-
Setting						
Property boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Land uses within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Zoning district boundaries within __ feet of the subject property	50 ft.	150 ft.	-	150 ft.	150 ft.	50 ft.
Municipal boundaries within __ feet of the subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Site Features (existing and proposed)						
Ground contours when slopes exceed __ percent	8%	8%	8%	8%	-	8% [2]
Wetlands	X	X	X	X	-	X
Woodlands	X	X	X	X	-	X
Wildlife habitat, including critical wildlife habitat	X	X	X	X	-	X
Environmentally sensitive features	X	X	X	X	-	X
Water resources (rivers, ponds, etc.) and ordinary high-water mark for navigable waters	X	X	X	X	-	X
Floodplain boundaries and elevations of the same	X	X	X	X	-	X
Environmental and manmade development constraints and hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, and high-pressure natural gas lines	X	X	X	X	-	X

Type of Information	Site plan	General development plan [1]	Precise implementation plan [1]	Project Maps: Conditional use	Project Maps: Zoning map amendment	Project Maps: Special exception and variance
Buildings and Outdoor Storage/Activity Areas						
Existing and proposed	X	X	X	X	X	X
Existing within __ feet of subject property	50 ft.	150 ft.	150 ft.	150 ft.	150 ft.	50 ft.
Required Setbacks						
Yard setbacks (front, side, rear and shore)	X	-	X	X	-	X
On-site septic systems	X	-	-	X	-	X
On-site wells and off-site wells within 10 feet of the perimeter of the subject property	X	-	-	X	-	X
Landscaping Features (existing and proposed)						
Fences, buffers, and berms	X	-	-	X	-	-
Pervious and impervious surfaces by type	X	-	-	-	-	-
Site amenities (benches, fountains, etc.)	X	-	-	-	-	-
Existing trees and other prominent vegetation	X	-	-	-	-	-
Trees / shrubs to be planted, including a plant list and specs.	X	-	-	-	-	-
Trees / shrubs to be retained	X	-	-	-	-	-
Outdoor Lighting (existing and proposed)						
Location	X	-	X	-	-	-
Fixture specifications	X	-	X	-	-	-
Stormwater Facilities (existing and proposed)						
Location	X	-	X	-	-	-
Specifications for each facility	X	-	X	-	-	-
Utilities (existing and proposed)						
Location	X	X	X	-	-	X
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X	X	X	-	-	X
Size/capacity, if applicable	-	X	X	-	-	-
Transportation Facilities (existing and proposed)						
Streets	X	X	X	X	-	X
Driveways and road access onto public and private roads	X	X	X	X	-	X
Sidewalks and trails	X	-	X	X	-	X
Fire lanes (i.e., fire apparatus access)	X	-	-	-	-	X
Clear visibility triangles (location and dimensions)	X	-	X	-	-	X
On-Site Parking (existing and proposed)						
Access aisles and parking spaces by size	X	-	X	-	-	-
Location of accessible parking spaces	X	-	X	-	-	-
Location and specifications/dimensions for accessibility ramps	X	-	X	-	-	-
Type and location of on-site parking signs and traffic control signs	X	-	X	-	-	-
Surface materials for parking lot (e.g., concrete, bituminous concrete, pavers)	X	-	X	-	-	-
Snow storage areas	X	-	X	-	-	-

Type of Information	Site plan	General development plan [1]	Precise implementation plan [1]	Project Maps		
				Conditional use	Zoning map amendment	Special exception and variance
Areas designated for queuing of vehicles for drive-through facilities (e.g., car washes, drive-up service windows, etc.	X	-	X	-	-	-
Pedestrian walks between the parking lot and the building	X	-	X	-	-	-
Designated areas of a parking area for pedestrian walks	X	-	X	-	-	-
Loading lanes and loading docks	X	-	X	-	-	-
Stormwater drainage	X	-	X	-	-	-
Distance between parking areas and adjoining properties if less than 20 feet	X	-	X	-	-	-
Areas designated for bicycle parking	X	-	X	-	-	-
Signs (existing and proposed)						
Location	X	optional	optional	-	-	-
Specifications for each sign including type, height, dimensions, lighting, and other factors considered during the review process	X	optional	optional	-	-	-

Notes:

1. A general development plan and precise implementation plan are similar, except a precise implementation plan is more refined and detailed.
2. For variance applications, the slope of the property must be depicted when the petitioner is claiming that the slope of a property is a hardship or a unique property limitation.

Appendix B. Dimensional standards

Zoning district	Minimum lot area	Minimum lot width	Minimum street frontage	Maximum front-yard setback	Minimum front-yard setback [1,9]	Minimum side-yard setback [2,3]	Minimum rear-yard setback	Maximum building height [4]	Maximum building coverage	Maximum impervious coverage	Minimum residential living area per dwelling unit	Maximum garage area [5]	Maximum shed area [5]	Maximum number of accessory buildings [6]
Section in Code	**s. 8-62**	**s. 8-63**	**s. 8-64**		**s. 8-65**	**s. 8-65**	**s. 8-65**	**s. 8-66**	**s. 8-67**	**s. 8-68**	**s. 8-69(a)**	**s. 8-69(b)**	**-**	**s. 8-71**
Rural Residential (R-1)	4 acres	250 ft.	55 ft. on cul de sac; 250 ft. all other	NA	50 ft.	Principal: 50 ft. total of both sides with no less than 20 ft. on one side Detached accessory: 15 ft. Building housing livestock: 50 ft.	Principal: 50 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 35 ft. or 2.5 stories, whichever is less Accessory: 25 ft. or height of principal building, whichever is less	20 percent [8]	25 percent [8]	400 sq. ft.	2,400 sq. ft., plus 250 sq. ft. for every full acre over 4 acres	240 sq. ft.	2 garages attached or detached, plus 1 yard shed and 1 minor shed
Single-Family Residential (R-2)	1.5 acres if served by on-site well and septic; 8,700 sq. ft. if served by city water and sewer	165 ft. on corner lot; 150 ft. all other lot types	55 ft. on cul de sac; 150 ft. all other	NA	30 ft.	Principal: 50 ft. total of both sides with no less than 20 ft. on one side Detached accessory: 5 ft.	Principal: 50 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 35 ft. or 2.5 stories, whichever is less Accessory: 25 ft. or height of principal building, whichever is less	35 percent [8]	50 percent [8]	400 sq. ft.	100 percent of floor area of house, but not more than 1,500 sq. ft., plus 250 sq. ft. for every acre over 4 acres	240 sq. ft.	1 attached or detached garage plus 1 yard shed and 1 minor shed
Mixed Residential (R-6)	4,300 sq. ft. for each dwelling unit	65 ft. on corner lot; 50 ft. all other lot types	55 ft. on cul de sac; 75 ft. all other	NA	20 ft.	Principal: 20 ft. total of both sides with no less than 8 ft. on one side Detached accessory: 3 ft.	Principal: 25 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal, single-family: 35 ft. Principal, multi-family: 35 ft. Accessory: 25 ft. or height of principal building, whichever is less	30 percent [8]	50 percent [8]	Single-family: 400 sq. ft. Multi-family: [7] .	100 percent of floor area of house, but not more than 1,500 sq. ft., plus 250 sq. ft. for every acre over 4 acres	240 sq. ft.	1 attached or detached garage plus 1 yard shed and 1 minor shed
Waterfront Residential (R-7)	1.5 acres if served by on-site well and septic; 8,700 sq. ft. if served by city water and sewer	100 ft. on corner lot; 90 ft. all other lot types	55 ft. on cul de sac; 90 ft. all other	NA	30 ft.	Principal: 30 ft. total of both sides with no less than 8 ft. on one side Detached accessory: 30 ft.	Principal: 30 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 35 ft. Accessory: 25 ft. or height of principal building, whichever is less	45 percent [8]	65 percent [8]	Single-family: 1,000 sq. ft. Multi-family: [7]	100 percent of floor area of house, but not more than 1,500 sq. ft., plus 250 sq. ft. for every acre over 4 acres	240 sq. ft.	1 attached or detached garage plus 1 yard shed and 1 minor shed
Cottage Commercial (C-1)	5,000 sq. ft.	165 ft. on corner lot; 150 ft. all other lot types	50 ft.	NA	25 ft.	Principal: 20 ft. total of both sides with no less than 8 ft. on one side Detached accessory: 3 ft.	Principal: 10 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 35 ft. Accessory: 25 ft. or height of principal building, whichever is less	30 percent [8]	50 percent [8]	1,000 sq. ft.	NA	240 sq. ft.	1 attached or detached garage plus 1 yard shed and 1 minor shed
General Commercial (C-2)	7,000 sq. ft.	50 ft.	50 ft.	NA	10 ft.	Principal: 10 ft.; 15 ft. when abutting a residential district Detached accessory: 3 ft.	Principal: 25 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 35 ft. Accessory: 25 ft. or height of principal building, whichever is less	50 percent [8]	80 percent [8]	Multi-family: [7]	NA	No restriction	1 detached garage or 1 yard shed
Downtown Commercial (C-3)	None	50 ft.	50 ft.	10 feet	0 ft.	Principal: 0 ft. Detached accessory: 5 ft.	Principal: 8 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 45 ft. Accessory: 25 ft. or height of principal building, whichever is less	80 percent	100 percent	Multi-family: [7] .	NA	No restriction	1 detached garage or 1 yard shed
Light Industrial (I-1)	15,000 sq. ft.	100 ft.	100 ft.	NA	25 ft.	Principal: 15 ft.; 40 ft. when abutting a residential district Accessory: 5 ft.	Principal: 25 ft. Detached accessory: 3 ft. without alley; 8 ft. with alley	Principal: 45 ft. Accessory: 25 ft. or height of principal building, whichever is less	75 percent	85 percent	NA	NA	No restriction	1 detached garage and 1 yard shed
Mixed-Use Waterfront (MUW)	12,000 sq. ft.	50 ft.	50 ft.	NA	25 ft.	Principal: 10 ft.; 15 ft. when abutting a residential district Detached accessory: 3 ft.	25 ft.	Principal: 45 ft. Accessory: 25 ft. or height of principal building, whichever is less	65 percent	85 percent	Multi-family: [7]	NA	No restriction	No restriction
Lakefront Corridor (L-1)	20,000 sq. ft.	100 ft.	100 ft.	NA	30 ft.	Principal: 10 ft.; 15 ft. when abutting a residential district Detached accessory: 3 ft.	25 ft.	Principal: 35 ft. Accessory: 25 ft. or height of principal building, whichever is less	20 percent	35 percent	NA	NA	No restriction	No restriction
Marina (M)	None	100 ft.	100 ft.	NA	25 ft.	Principal: 10 ft.; 15 ft. when abutting a residential district Detached accessory: 3 ft.	25 ft.	Principal: 45 ft. Accessory: 25 ft. or height of principal building, whichever is less	80 percent	100 percent	NA	NA	No restriction	No restriction

Notes:

1. In certain circumstances, the minimum front-yard setback may be less than or greater than what is stated if setback averaging applies. See the referenced section of the zoning code for applicable standards.
2. If the lot width for a existing lot is less than what is required, the side-yard setback may be reduced proportionately to the ratio between the actual width and the required width, provided the side-yard setback is reduced to not less than 75 percent of the required setback.
3. If a parcel abuts a more restrictive zoning district, the setback shall be the average of the minimum setbacks for the two districts.
4. An institutional building (e.g., governmental office, or school) may exceed the height limitation established for the zoning district, up to a maximum height of 45 feet, provided the minimum required side-yard and rear-yard setbacks are increased one foot for each additional foot of height in excess of the permitted maximum of the district.
5. Pursuant to the procedures and requirements contained in Article 7 of this chapter, the Plan Commission may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
6. Pursuant to the procedures and requirements contained in Article 7 of this chapter, the Plan Commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
7. Multi-family requirements: Efficiency unit: 500 sq. ft.; One bedroom: 650 sq. ft.; Two bedrooms: 800 sq. ft.; and Three bedrooms: 1,000 sq. ft.
8. For a nonconforming lot due to lot size, the standard is increased 10 percent.
9. The front yard setback may be more than what is stated if the standards in ch. TRANS 233, Wis. Stats., apply.

City of Washburn Zoning Map
Draft Version 4.9 - For Discussion Purposes Only

Base Zoning Districts

Residential

- R-1 Rural Residential
- R-2 Single-Family Residential
- R-6 Mixed Residential
- R-7 Waterfront Residential

Commercial

- C-1 Cottage Commercial
- C-2 General Commercial
- C-3 Downtown Commercial
- MUW Mixed-use Waterfront

Industrial

- I-1 Light Industrial

Special Purpose

- L-1 Lakefront Corridor
- M Marina

Planned Development Districts

- PDD-01 Brevak

Overlay Zoning Districts

- Floodplain
- Shoreland-Wetland
- Shoreland
- Wellhead Protection

Map Features

- Navigable Stream
- Minor Arterial
- Major Collector
- Property Boundary Line

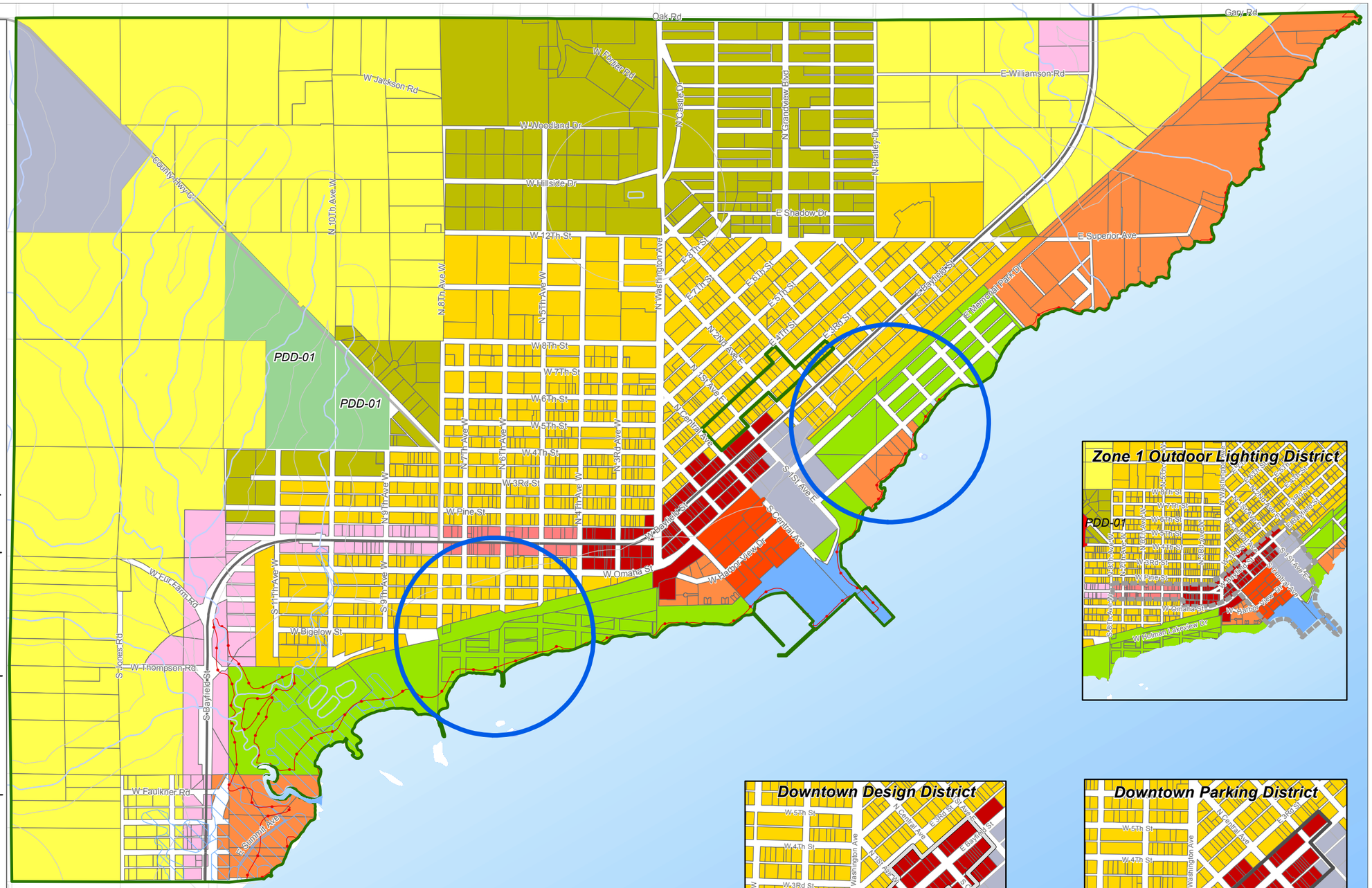
Other Zoning Districts

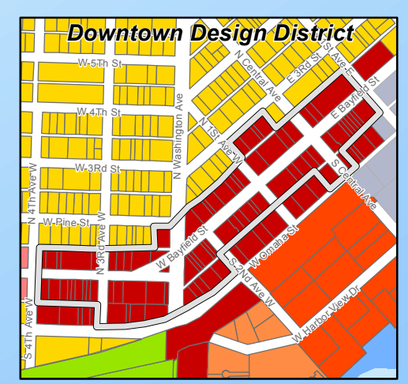
- Outdoor Lighting Zone 1
- East Third Street Residential Historic District
- Downtown Parking District
- Downtown Design District

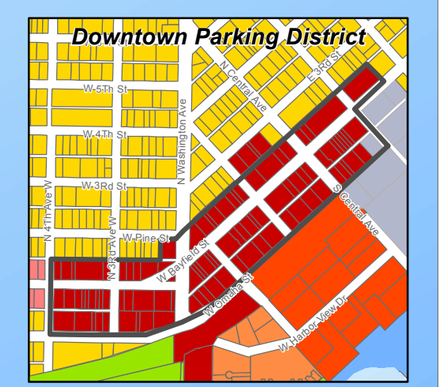
1 inch = approx. 1,300 feet

N

0 0.25 0.5 Mile







Recent Amendments		
Date	Ordinance Number	Description

Certification

Mayor _____ Date _____

City Clerk _____ Date _____