

**DRAFT PART 1**

**DATE: FEBRUARY 12, 2026**

**CITY OF COLUMBUS, WISCONSIN**

**CHAPTER 114: ZONING ORDINANCE**

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## Section 114.01.01: Title

**ARTICLE I: INTRODUCTION****Section 114.01.01: Title**

- (1) This Chapter shall be known, cited, and referred to as the City of Columbus Zoning Ordinance, except whereas referred to herein, where it shall be known as “this Chapter” or “this Ordinance.”

**Section 114.01.02: Authority**

- (1) This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Wis. Stats. § 62.23(7), 62.231, 87.30, and 281.31 Wisconsin Statutes.

**Section 114.01.03: Purpose and Intent**

This Chapter is adopted for the purpose of protecting the health, safety, and general welfare of the public. It is designed to implement the City of Columbus Comprehensive Plan, which is best done through zoning approaches, as enabled by Wisconsin Statutes. It is also the intent of this Chapter to:

- (1) Promote activity, safety, and economic viability;
- (2) Promote the appropriate density and intensity of development;
- (3) Regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land;
- (4) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities;
- (5) Encourage a mix of land uses, at densities that support multi-modal transportation;
- (6) Provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, and bicycle traffic;
- (7) Control and lessen congestion in the streets;
- (8) Be adaptable to new types, formats, and mixes of land uses to reflect changing preferences, economics, and technologies;
- (9) Reduce Columbus’s contribution to climate change and adapt to our changing environment;
- (10) Promote the conservation of energy and utilization of renewable resources;
- (11) Protect and enhance natural resources;
- (12) Protect groundwater resources;
- (13) Avoid undue concentration of population;
- (14) Reduce inequalities of resource allocation and the externalities of the use of land;
- (15) Prevent the overcrowding of land;
- (16) Promote adequate light, air, privacy, and convenience of access to property;
- (17) Preserve, protect, and promote property values;
- (18) Promote property improvements and upkeep;
- (19) Preserve burial sites as defined in Wis. Stats. §157.70(1)(b); and
- (20) Secure safety from fire, panic, and other dangers.

## Section 114.01.04: Separability and Non-Liability

**Section 114.01.04: Separability and Non-Liability**

It is hereby declared to be the intention of the City of Columbus City Council that provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

**Section 114.01.05: Abrogation**

It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**Section 114.01.06: Rules of Interpretation**

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Columbus.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- (3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit per the Building Code (**Chapter 18 of the City of Columbus Municipal Ordinance**), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one years from the date of such permit.

**Commented [SK1]:** Plan Commission: The current code states "Sec. 114-17.(7) Transition Rules) "Previously issued building permits. When a building permit for a building or structure has been lawfully issued prior to the effective date of this chapter, and construction has begun within **six months** of the issuance of such permit and is being diligently pursued to completion, the building or structure may be completed in accordance with the plans which the building permit was issued and be occupied for the use originally intended."

Other communities have used two years. We have updated this to show one year. Six months is often not enough time to move a project forward.

Section 114.01.07: Jurisdiction

- (5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.
- (6) Except for outlots authorized by Chapter 90 Subdivision Regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 114.01.07: Jurisdiction

- (1) This Chapter is applicable to all territory located within the corporate limits of the City of Columbus.

Section 114.01.08: Reserved

Section 114.01.09: Effective Date

- (1) This Chapter shall become effective upon passage and publication according to law, following the date of repeal and recreation of the Official Zoning Ordinance and Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions such as Planned Developments.

Commented [SK2]: Staff: This section gives 1 year after "approval" (not a permit).

Section 114.01.10: Applicability

- (1) All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the City of Columbus. Beyond this Chapter, these kinds of activities are subject to all City, State, and Federal requirements.
- (2) The use of land is generally addressed in Articles II and III. Development activities including redevelopment, and structure and site renovations are regulated throughout the ordinance rather than in any one section or article.
- (3) Where questions of applicability arise, the interpretation of applicability falls under the duties of the Zoning Administrator or Building Inspector.

Sections 114.01.12 to 114.01.20: Reserved

Section 114.01.21: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall," "must," and "will" are mandatory.
- (5) The words "may," "can," and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

Section 114.01.22: Abbreviations

- (7) The word “city” shall mean the City of Columbus, Wisconsin.
- (8) The word “county” shall mean the Counties of Columbia and Dodge, Wisconsin.
- (9) The word “state” shall mean the State of Wisconsin.
- (10) The words “Plan Commission” shall mean the City of Columbus Plan Commission.
- (11) The word “City Council” shall refer to the City of Columbus City Council.
- (12) The words “Board” or “Board of Appeals” shall refer to the City of Columbus Zoning Board of Appeals.
- (13) The words “Title”, “Code”, “Ordinance” or “Chapter” refer to the City of Columbus Zoning Ordinance (Chapter 114), unless an alternative numeric reference is provided.
- (14) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

**Section 114.01.22: Abbreviations**

- (1) The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
ft	Foot
NA	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

**Sections 114.01.23 to 114.01.99: Reserved**

Section 114.02.01: Purpose

**ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS**

**Section 114.02.01: Purpose**

- (1) The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the City of Columbus Comprehensive Plan, and to achieve the other purposes of this Chapter.

**Section 114.02.02: Standard Zoning Districts**

- (1) For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

**Figure 114.02.02a: Standard Zoning Districts**

Residential Zoning Districts	
SR-1	Single Family Residential – 1
SR-2	Single Family Residential – 2
MR-1	Multi-Family Residential – 1
MR-2	Multi-Family Residential – 2
MH	Mobile Home Residential
Nonresidential Zoning Districts	
<b>Mixed-Use</b>	
INST	Institutional
CMU	Corridor Mixed-Use
DMU	Downtown Mixed Use
<b>Industrial</b>	
BP	Business Park
LI	Light Industrial
HI	Heavy Industrial
<b>Other</b>	
PR	Parks and Recreation
C	Conservancy
IOA	Intensive Outdoor Activity
<b>Agricultural</b>	
AG	Agricultural
Overlay Zoning Districts	
EC	Environmental Corridor
HP	Historic Preservation
PD	Planned Development
SW	Shoreland and Watercourse
WT	Wastewater Treatment
WP	Wellhead Protection

**Commented [SK3]:** Plan Commission: We will continue to consider whether the BP Zoning District is needed as we go through this process.

**Commented [SK4]:** Plan Commission: We are discussing with staff whether to keep the C (Conservancy) and the EC Overlay and SW Overlay. One potential option is that we keep the EC overlay only. This will be updated upon further discussion with City Staff including the City Engineer.

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**Section 114.02.03: Interpretation of Zoning District Boundaries**

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- (2) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. See Wis. Stats. § 66.1003.
- (3) Annexations to or consolidations with the City subsequent to the effective date of this chapter shall be placed in the AG Agricultural zoning district, unless the annexation ordinance temporarily places the land in another district. Following annexation and accompanying any application for a process included within **Article X**, the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council, subject to procedures included within **Section 114.10.30** for a Zoning Map Amendment.

**Section 114.02.03: Interpretation of Zoning District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Columbus:

- (1) Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City or the Counties of Columbia and Dodge tax maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

**Section 114.02.04: Description and Purpose of Zoning Districts**

- (1) The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. The Intent statement of each zoning district is intended to convey the approximate gross densities for reference purposes, not regulatory purposes. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks. Definitions and regulations for land uses are provided in **Article III, Section 114.03.05** includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses. See **Article IV** for bulk dimensions regulations.
- (2) The Official Zoning Map of the City of Columbus is hereby adopted and approved as part of this Chapter and shall be effective on the effective date of this Chapter. Any Official Zoning Map amendments impacting the zoning classification of any property regulated by this Chapter shall follow the procedures in **Section 114.10.30**.

**Sections 114.02.05 to 114.02.09: Reserved**

## Section 114.02.10: Zoning Districts

**Section 114.02.10: Zoning Districts**

- (1) All Zoning Districts. Each individual Zoning District established by this Chapter shall be subject to the Principal Uses Permitted by Right, Principal Uses Permitted only as a Conditional Use, Accessory Land Uses Permitted by Right, Accessory Land Uses Permitted only as a Conditional Use, and Temporary Land Uses as established in Section 114.03.05 Table of Land Uses and applicable land use standards in Sections 114.03.06 through 114.03.30. Each individual Zoning District established by this Chapter shall also be subject to the Density, Intensity, and Bulk Regulations as established in 114.04.10 Table of Bulk Dimensions and any applicable standards in Article IV.
- (2) **(SR-1) Single Family Residential-1 Zoning District.**
  - (a) Intent. This district is intended to create, preserve, and enhance areas for single family detached dwellings.
- (3) **(SR-2) Single Family Residential-2 Zoning District.**
  - (a) Intent. This district is intended to create, preserve, and enhance areas for single family detached dwellings at generally higher densities than the SR-1 district. This district is designed for smaller lot front-loaded homes but may accommodate alley-loaded homes.
- (4) **(MR-1) Mixed Residential-1 Zoning District.**
  - (a) Intent. This district is intended to create, preserve, and enhance areas for two family attached dwellings such as duplexes, twin homes, and two flats at generally higher densities than the SR-2 district.
- (5) **(MR-2) Mixed Residential-2 Zoning District.**
  - (a) This district is intended to create, preserve, and enhance areas for multi-family uses such as duplexes, townhomes, two-flat, townhomes, apartment, and multiplex dwellings at generally higher densities than the MR-1 district.
- (6) **(MH) Mobile Home Residential Zoning District**
  - (a) Intent. This district is intended to provide for the development and continued use of non-permanently attached manufactured and mobile home communities. This district is designed to accommodate such housing in appropriate locations, ensure compatibility with surrounding land use, and promote stable, well-maintained residential environments.
- (7) **(INST) Institutional Zoning District**
  - (a) Intent. This district is intended to permit both large- and small-scale institutional development compatible with both residential and nonresidential zoning districts.
- (8) **(CMU) Corridor Mixed-Use Zoning District**
  - (a) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planned to become mixed-use in character and to establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses intended to occur at a density that can be accommodated within the bulk requirements of this zoning district. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.
- (9) **(DMU) Downtown Mixed-Use Zoning District**
  - (a) Intent. This district is intended to permit downtown commercial and mixed-use development at an intensity which provides significant incentives for infill development, redevelopment, and the

**Commented [SK5]:** Plan Commission: Traditionally this section would have the purpose/intent for each district, followed by long lists of permitted, conditional, accessory, and temporary land uses, and finally a list or table of the bulk dimensions requirements.

This approach has the intent only, with Land Uses moved to a quick-reference table (Article III) and dimensions moved to a quick-reference table (Article IV). This greatly reduces the length of this section.

I like this approach particularly when amendments are needed in the future. You only have to amend the table once instead of every district where a land use or setback number might be found. It greatly reduces repetition and potential for error. It also reduced overall length by many pages.

## Section 114.02.10: Zoning Districts

continued economic viability of existing development in a downtown development pattern that is compatible with traditional “Main Street” characteristics of Downtown Columbus. Residential uses are intended to occur at a density that can be accommodated within the bulk requirements of this zoning district.

(10) **(BP) Business Park Zoning District**

- (a) Intent. This district is intended to enable business parks and gateway commercial areas to be developed to enhance the future business growth in Columbus in planned areas for the general mix of business, industrial, distribution, and some retail operations. Retail use may be permitted providing such uses are compatible with the adjoining Business Park uses and do not contribute to excessive congestion, alter the character, or otherwise detract from the primary purpose of the Business Park as a business/industrial employment center.

(11) **(LI) Light Industrial Zoning District**

- (a) Intent. This district is intended to permit both small- and mid-scale industrial at an intensity which is consistent with economic development objectives and compatible with adjacent development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some loading and unloading which are not typically associated with high noise, soot, odors, and other potential nuisances for adjoining properties.

**Commented [SK6]:** Plan Commission: Light Industrial is typically all indoors including materials, equipment, etc. Staff notes there are some properties that have outdoor storage (shipping containers). Do you want to allow these outdoors in LI? With screening? Behind the building? Or not at all?

(12) **(HI) Heavy Industrial Zoning District**

- (a) Intent. This district is intended to provide space for higher intensity manufacturing and industrial operations which may be incompatible with residential and commercial uses because of potential nuisance or hazard generation. The primary distinguishing feature of this district is that it is geared toward both indoor and outdoor industrial activities which may be associated with high noise, soot, odors, and other potential nuisances for adjoining properties.

(13) **(C) Conservancy Zoning District**

- (a) Intent. This district is established on lands that encompass lowland wetlands, combined with lands on the edge or fringe of wetlands, and upland areas. These areas are intended to be preserved as open space, natural habitat, scenic areas, lakeshores, wetlands, floodplains, drainageways, steep slopes, upland woodlands forests, floodways, or other similar environments. In addition, these areas may also be subject to various overlay districts present on the property (see Section 114.02.20). Where there is no overlay district present, the regulations of this district shall apply.

**Commented [SK7]:** Plan Commission: We are likely to remove the C District and use EC (Environmental Corridor) Overlay instead. This is still being reviewed by staff.

(14) **(PR) Parks and Recreation Zoning District**

- (a) Intent. This district is established on lands owned by the City of Columbus and operated in conjunction with the activities of the **Columbus Recreation Department**.

(15) **(IOA) Intensive Outdoor Activity Zoning District**

- (a) Intent. This district is intended to permit large-scale outdoor storage uses and quarrying, sand and gravel extraction, and landfill uses associated with significant impacts on neighboring properties, particularly related to material usage, noise, aesthetic, visibility, and other potential nuisances for adjoining properties. This district also permits large-scale outdoor commercial entertainment uses associated with significant impacts on neighboring properties, particularly related to traffic, parking, noise, operating hours, and lighting. If sited properly, the City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.

(16) **(AG) Agriculture Zoning District**

- (a) Intent. This district is intended to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain eligibility for farming incentive programs. This district is also intended to permit existing agricultural operations to continue directly following annexation of the property into the city until such time as it is appropriate for said lands to be developed into urban development patterns.

**Sections 114.02.11 to 114.02.19: Reserved**

**Sections 114.02.20: Overlay Zoning Districts**

- (1) Purpose. The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth above in this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include protections against natural hazards, protections of valued natural and cultural resources, and guidelines for unique development situations. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of **Article V**.
- (2) How to Use Sections **114.02.20 – 114.02.26**.
  - (a) A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district. For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the development regulations.
- (3) For the purpose of this Chapter, the following overlay zoning districts are hereby established.
  - (a) (EC) Environmental Corridor Overlay Zoning District
  - (b) (HP) Historic Preservation Overlay Zoning District
  - (c) (PD) Planned Development Overlay Zoning District
  - (d) (SW) Shoreland and Watercourse Overlay District
  - (e) (WT) Wastewater Treatment Overlay Zoning District
  - (f) (WP) Well-Head Protection Overlay Zoning District
- (4) Map of Overlay Zoning Districts
  - (a) Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Zoning Map, adopted and from time to time amended by the City of Columbus.

**Section 114.02.21: Environmental Corridor Overlay Zoning District**

- (1) Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils which are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the City of Columbus.
- (2) District boundary. The Environmental Corridor (EC) Overlay District encompasses those areas delineated as environmental corridors by archaeological and historical sites mapped by the State Historic Preservation Office (SHPO) or the Wisconsin Historical Society; any drainageway mapped by the Wisconsin Department of Natural Resources, or United States Geological Survey (USGS) ; and any drainageway of concern as determined by the City Engineer. The boundaries are depicted on the Official Zoning Map. Refinement of these boundaries is required by on-site delineation:
  - (a) Refinement of Overlay Zoning District boundaries by on-site delineation. Because the mapping of environmental and cultural resource areas protected by the City of Columbus as provided by county, state, and federal sources is general and not provided at a surveyed level of accuracy, the

**Commented [SK8]:** Plan Commission: Reviewing with staff. We will also make sure that it references floodplain overlay rules rather than duplicating/conflicting.

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**Section 114.02.21: Environmental Corridor Overlay Zoning District**

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boundary of each resource on a parcel proposed for development activity that is identified on the City's map of overlay zoning districts and online map viewer shall be subject to a site visit and staking of each resource boundary located on the parcel. This staking shall be conducted by an expert in the resource officially recognized by the agency responsible for the general source mapping of that resource.

1. For the wellhead protection area, the staking shall be done by the City Engineer.
  2. For any archeological site mapped by the SHPO or the Wisconsin Historical Society, the staking shall be done by an expert recognized by that agency.
  3. For any historical site mapped by the Wisconsin Historical Society, the staking shall be done by an expert recognized by that agency.
  4. For any wetland mapped by the Wisconsin Department of Natural Resources, the staking shall be done by an expert recognized by that agency.
  5. For any floodway, flood fringe, or flood storage area identified by FEMA or the Floodplain Zoning Ordinance (Chapter 46), the staking shall be done by a licensed surveyor or civil engineer and approved by the Zoning Administrator.
  6. For any steep slopes area, any woodland, any stream or drainageway, the staking shall be done by a licensed surveyor or civil engineer.
  7. For the Ordinary High-Water Mark (OHWM) of a navigable waterway, the staking shall be performed in consultation with the Wisconsin Department of Natural Resources and approved by the Zoning Administrator
- (b) The mapping of all resource area staking shall be conducted by a licensed surveyor or civil engineer, and all resource areas present on the parcel shall be depicted on all site plans, grading and erosion control plans, and stormwater management plans required for submittal to the City for development activity proposed for the parcel.
- (c) Existing developed impervious areas are exempt from inclusion within the environmental corridors.
- (3) Components of environmental corridors. Environmental corridor lands contain the following natural resource components: navigable and non-navigable natural streams and natural drainageways as mapped by WisDNR, or USGS; drainageways of concern as determined by the City Engineer; vegetative buffers for wetlands and shorelands (per the Shoreland Overlay see Section 114.02.24); 100-year floodplains and floodways; steep slopes (with a 12 percent gradient and higher); public lands, parks, and conservancy areas; wetlands; woodlands; navigable waterways; archaeological and historic sites; problem soil areas and unique geologic formations; endangered and sensitive habitats (based on DNR determination), stormwater facilities; significant or sensitive groundwater recharge areas.
- (4) Permitted uses. The following uses are permitted in the EC Overlay Zoning District:
- (a) Construction and maintenance of fences, piers, docks, walkways, including those built on pilings.
  - (b) Hiking, fishing, trapping, hunting, swimming, and boating, unless prohibited by other laws or ordinances.
  - (c) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, syrup, tree fruits and tree seeds in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
  - (d) Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water

## Section 114.02.21: Environmental Corridor Overlay Zoning District

level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.

- (e) Existing agricultural uses, provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided, that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
  - (f) Ditching, tilling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system, only to the extent necessary to maintain the level of drainage required to continue the agricultural use.
  - (g) Maintenance, repair, replacement and reconstruction of existing streets, roads and bridges.
  - (h) Forest and game management.
  - (i) Park and recreational activities and passive recreational trails.
  - (j) Preservation of scenic, historic, natural areas and critical species habitat sites.
  - (k) Grading, filling, and slope stabilization methods and structures such as retaining walls (including the removal of vegetation in such areas) used to remove, reduce, and stabilize steep slope areas as depicted on a grading and erosion control plan approved by the City Engineer.
- (5) Conditional uses. The following uses are permitted as conditional uses within the EC District:
- (a) Public services and utilities.
  - (b) Land disturbing activity (other than grading, filling, and slope stabilization per subsection (4)(k) above), meeting the requirements of this section.
  - (c) Development regulations within the EC District. Development may be accommodated in the upland portions of the EC District (not located within a floodway, floodplain, flood storage area, or the buffer of a wetland, lake, pond, navigable stream, or other drainageway) as a conditional use. The following provisions shall apply:
    1. All development shall comply with all of the requirements of the underlying standard zoning district, all other applicable overlay zoning districts, and the requirements of this section specific to the EC District.
    2. All land disturbing activities shall comply with City subdivision regulations (Chapter 90) and the construction and erosion control ordinance (Division 7).
    3. Development does not result in significant adverse water quality impacts or erosion potential as determined by the City Engineer.
    4. Development of the remaining environmental corridor lands is prohibited by a conservation easement or deed restriction in a manner approved by the City Attorney.
    5. The development shall not threaten the environmental integrity or function of the remaining corridor.
    6. Development is compact rather than scatted in nature.
    7. No structures shall be erected within the separation distances specified in subsection (6), below.
    8. No lands shall be disturbed within the separation distances specified in subsection (6), below.

**Commented [SK9]:** Note that Erosion Control regulations used to be in the Zoning Code as Division 7. That has been removed (by other actions of the City) but not yet reflected in Muni Code. Ensure the draft of the code removes reference to Division 7 and replaces it with the correct reference when available.

Section 114.02.22: Historic Preservation Overlay Zoning District

- 9. No vegetation shall be removed from within the separation distances specified in subsection (6), below, except for invasive, non-native, dead or diseased vegetation. All development shall meet the separation distance requirements in subsection (6), below.
- (6) Separation distance requirements.
  - (a) The disturbed or developed area shall be located a minimum of ten feet from woodlands.
  - (b) The disturbed or developed area shall be located a minimum of ten feet from steep slopes.
  - (c) All lands within 50 feet of the ordinary high-water mark of any other navigable water (including lakes, navigable ponds, navigable streams, or other navigable features) as mapped by WisDNR.
  - (d) All lands within 30 feet of the top-of-bank of any non-navigable drainage mapped by WisDNR, or USGS; and any other drainage of concern as determined by the City Engineer.
  - (e) For the required setback of disturbed or developed areas from wetlands, shorelands, and floodplains, see Article IV of the City of Columbus Zoning Code.
- (7) Tree cutting and shrubbery clearing limited. Except as permitted under a conditional use permit, lands lying within the EC District shall not be clear cut of trees, shrubbery or underbrush. No more than thirty percent of the natural vegetation shall be removed from a parcel. Areas not occupied by structures or driveways shall be replanted with other vegetation that is equally effective in minimizing runoff, preventing erosion, and preserving natural beauty. Normal pruning, trimming and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.
- (8) Variances. Any requested variation from this Section shall be subject to review and approval by the Zoning Board of Appeals as described in [Section 114.10.51](#).
- (9) Enforcement.
  - (a) Penalty. Any person who violates, neglects, or refuses to comply with any of the provisions of this section shall be subject to a penalty as provided by [Section X](#) of the City of Columbus Municipal Code.
  - (b) Injunction. The City may, in addition to any other remedy, seek an injunction or restraining order against the party alleged to have violated the provisions of this section.
  - (c) Restoration costs. The person in violation of this section shall perform mitigation measures, such as reforestation wetland enhancements, erosion mitigation, or slope stabilization as determined appropriate by the City. As a substitute for, or in addition to any other action, the City may commence legal action against the person in violation of this section.

**Section 114.02.22: Historic Preservation Overlay Zoning District**

**Section 114.02.23: Planned Development Overlay Zoning District**

- (1) Purpose. The purpose of this section is to provide for the possible relaxation of certain development standards pertaining to the base standards of any zoning district. In exchange for such flexibility, it is anticipated that development within a Planned Development District will reflect the City’s planning policies as set forth in the City’s Comprehensive Plan and offer one or more of the following advantages:
  - (a) Positively contributes to the appearance and function of land uses and site design in the area.

**Commented [SK10]:** Review with staff is ongoing. Often the committee structure is handled by a general ordinance and not the zoning ordinance. While we know there are concerns with the existing historic preservation code and committee structure, we are determining what makes sense to keep in the zoning code and how that would be structured. Not sure yet if we need an overlay district.

**Commented [SK11]:** Plan Commission: Note that is a different version of PD zoning compared to your existing code. This is an overlay. It also doesn't have the same specific quantifications as your existing code (Division 8 - Subsection 5 *Standards*). This has been reviewed by staff.

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**Section 114.02.23: Planned Development Overlay Zoning District**

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- (b) Promote a greater level of architectural quality while ensuring compatibility with other structures in the area.
  - (c) Conserve and protect environmentally sensitive areas, areas of natural beauty, and natural green spaces.
  - (d) Preserve the cultural and historic character and significance of existing structures or areas.
  - (e) Provide substantial buffers and transitions between different land uses and densities.
  - (f) Provide safe transportation options for all modes and improve pedestrian and bicycle circulation.
  - (g) Reduce conflict with or cause overload on facilities such as schools, highways, police, fire, or utility services.
  - (h) Insure proper maintenance and preservation of any common areas for recreation and esthetic enhancement.
- (2) Intent. Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Columbus Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. The Planned Development District shall allow development to be designed, reviewed, approved, constructed, and managed as approved by the City Council rather than required by the underlying zoning district.
- (a) The City may permit flexibility in the types of uses, area and yard requirements, off-street parking, and/or other regulations set forth in this Chapter by use of exceptions or base standard modifications subject to the demonstration of their appropriateness for the area under consideration.
  - (b) It is not intended that the City will automatically grant exceptions or base standard modifications in a Planned Development District, and it is expected the City will grant only such exceptions when they are consistent and comparable with benefits to the community that result from the Planned Development.
  - (c) The City may require, as conditions of approval, any reasonable stipulation, limitation, or design factor which will promote suitable development in the Planned Development District.
  - (d) The City may permit flexibility in the types of uses, area and yard requirements, off-street parking, and/or other regulations set forth in this Chapter by use of exceptions or base standard modifications subject to the demonstration of their appropriateness for the area under consideration.
- (3) Provision of Flexible Development Standards for Planned Developments.
- (a) Permitted Location
    1. Planned Developments shall be permitted with the approval of Planned Development zoning map amendment, specific to the approved Planned Development, within all zoning districts.
  - (b) Flexible Development Standards
    1. The following exemptions to the development standards of a base zoning district may be provided with the approval of a Planned Development.
      - a. Land Use Requirements

Section 114.02.23: Planned Development Overlay Zoning District

- i. All land uses listed in Article III may be permitted within a Planned Development.
  - b. Density, Intensity, and Bulk Requirements
    - i. All requirements listed in Article IV Bulk Regulations may be waived within a Planned Development.
  - c. Performance Standards
    - i. All requirements listed in Article VI Performance Standards may be waived within a Planned Development.
  - d. Exterior Building Design Standards
    - i. All requirements listed in Article VII Exterior Building Design Standards may be waived within a Planned Development.
  - e. Landscaping Requirements
    - i. All requirements listed in Article VIII Landscaping Requirements may be waived within a Planned Development.
  - f. Signage Requirements
    - i. All requirements listed in Article IX Signs may be waived within a Planned Development.
- (4) Applicability. Areas that may be deemed appropriate for a Planned Development include, but are not limited to:
  - (a) Transitional areas that involve locations with a mix of different land uses where new development is proposed in an area of preexisting uses and buildings.
  - (b) Infill areas located in a developed area that involve parcels that may have been bypassed during the normal course of urbanization or that have been cleared.
  - (c) Redevelopment areas where first or subsequent uses and/or structures are to be replaced by new uses and/or structures.
  - (d) Special areas that include locations that are considered community gateways or entryway corridors and those areas identified as special planning areas in the City’s Comprehensive Plan
  - (e) Development areas where base zoning standards may not be appropriate and/or needed, and where the developer and community will benefit from a greater level of flexibility in land use and bulk controls.
- (5) Existing Planned Developments. The following applies to any Planned Development, or portion thereof, that was adopted prior to the effective date of this Chapter.
  - (a) Any existing Planned Development which has received both General Development Plan approval and Specific Implementation Plan approval, shall hereby reference the following most equivalent zoning district, as determined by the Zoning Administrator:

**Figure 114.02.11a Zoning District Translation Table**

Pre-2026 Zoning Districts	Most Equivalent Zoning District
R-1 Low-Density Residential	SR-1, SR-2
R-2 Medium-Density Residential	MR-1
R-3 High-Density Residential	MR-1

Section 114.02.24: Shoreland and Watercourse Overlay Zoning District

R-4 Multi-Family Residential	MR-2
CBD-1 Central Business District	DMU
B-2 Highway Commercial	CMU
B-3 General Commercial	CMU
I-1 Light Industrial	LI
I-2 General Industrial	HI
C Conservancy	C
P Public, Semipublic, Institutional and Recreation	INST, PR

- (6) Procedures. Procedures governing Planned Development zoning are set forth in **Section 114.10.45**.

**Section 114.02.24: Shoreland and Watercourse Overlay Zoning District**

- (1) Purpose. This article is enacted to prevent and control water pollution; to protect spawning grounds, fish and aquatic life; and to preserve shore cover and natural beauty.
- (2) Applicability. All provisions of this article shall apply to the shoreland of all navigable waters within the jurisdiction of this zoning ordinance. The shoreland-wetland provisions of this article shall apply to wetlands shown on the referenced maps, or existing in fact at the time of development, and located within the shoreland of navigable waters.
- (3) Shoreland Maps. The maps designated below are hereby adopted and made part of this chapter by reference.
  - (a) United States Geological Survey Quadrangle Maps for Columbia County and for Dodge County (revised November 10, 1981), as updated from time to time.
  - (b) Wisconsin Wetland Inventory maps stamped "FINAL" on May 25, 1983, as updated from time to time.
  - (c) Official floodplain zoning map adopted per **chapter 46**.
- (4) Presumption of navigability, delineation of floodplain and wetlands.
  - (a) Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Columbia County" or "Surface Water Resources of Dodge County" or are shown on United States Geological Survey quadrangle maps, as referenced.
  - (b) Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps, as referenced.
  - (c) Determinations of navigability and ordinary high-water mark shall initially be made by the zoning administrator. The Wisconsin Department of Natural Resources is responsible for final determination of navigability or ordinary high-water mark.
  - (d) The official floodplain zoning map as referenced shall be used to determine the location of floodplain for the purpose of this article.
  - (e) Where an apparent discrepancy exists between the Wisconsin Wetland Inventory maps and actual field conditions, the property owner shall be responsible for having a qualified individual perform a wetland delineation and for obtaining a letter of concurrence from the Wisconsin Department of Natural Resources.

**Commented [SK12]:** Plan Commission: Note this is brought in from your existing code. We are reviewing whether it's necessary to keep this or if it could instead be brought into the EC overlay.

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**Section 114.02.24: Shoreland and Watercourse Overlay Zoning District**

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- (5) Setbacks, elevations and buffers established for all navigable waters.
- (a) With the exception of piers, boat hoists, boathouses and similar structures, all buildings and structures shall be set back at least 75 feet from the ordinary high-water mark of navigable waters.
  - (b) Seepage pits and soil absorption fields shall be set back at least 50 feet from the ordinary high-water mark of navigable waters.
  - (c) With the exception of one 30-foot-wide path for every 100 feet of shoreline, the clear-cutting of trees and shrubs is not allowed in the strip of land from the ordinary high-water mark of navigable waters to 35 feet inland. Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- (6) Filling, grading and lagooning.
- (a) Permits required. A conditional use permit shall be required for any filling, grading or construction within 75 feet of a navigable body of water or within 50 feet of a shoreland-wetland. In addition, all required permits shall be obtained from the Wisconsin Department of Natural Resources.
  - (b) Conditions may be attached. In granting a conditional use permit for filling, grading or lagooning, the plan commission may require, in addition to the conditions specified elsewhere in this chapter, that:
    - 1. The smallest amount of bare ground be exposed for the shortest time feasible.
    - 2. Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
    - 3. Diversions, silting basins, terraces and other methods to trap sediment be used.
    - 4. Dredging be done to a firm bottom before filling.
    - 5. Dredging be so conducted as to avoid creating fish trap conditions.
    - 6. Fill be stabilized according to accepted engineering standards.
    - 7. Fill not restrict a floodway or reduce the storage capacity of a floodplain.
    - 8. Walls of a channel or artificial watercourse be stabilized to prevent slumping.
    - 9. Sides of channels or artificial watercourses be constructed with side slopes of two horizontal to one vertical or flatter, unless vertical bulkheading is provided.
- (7) Boathouses regulated.
- (a) The use of a boathouse for human habitation and the construction or placing of a boathouse waterward beyond the ordinary high-water mark of any navigable waters are prohibited.
  - (b) Boathouses shall be designed solely for storage of boats and related equipment, and there shall be no more than one boathouse per lot.
  - (c) The high point of the roof elevation of a boathouse shall not be more than 12 feet vertical measurement above the ordinary high-water mark.

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- (d) A boathouse shall not exceed 600 square feet in floor area. Width shall be limited to 24 feet or a maximum of 50 percent of lot width as measured at the waterline.
  - (e) Earth-tone colors shall be required for all exterior surfaces of a boathouse.
  - (f) Railings may be placed on top of a boathouse in excess of the 12-foot height limit provided that the railing does not exceed three and one-half feet in height and is not more than 40 percent solid in appearance as viewed from a right angle.
  - (g) Boathouses shall not be constructed where:
    1. The original slope exceeds 33 percent.
    2. Any part of the roofline of the structure will extend below the original grade of the bank.

## Section 114.02.24: Shoreland and Watercourse Overlay Zoning District

## (8) Shoreland-wetland use restrictions.

Uses in shoreland-wetlands are limited to the following:

## (a) Permitted uses, provided that no wetland alteration occurs, are as follows:

1. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating.
2. 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. Silviculture, including the planting, thinning and harvesting of timber.
4. Pasturing of livestock.
5. Cultivation of agricultural crops.

## (b) Permitted uses, provided that wetland alterations are limited as specified:

1. The maintenance and repair of existing agricultural drainage systems to restore preexisting levels of drainage including the minimum filling necessary for disposal of dredged spoil, provided that it is placed on existing spoil banks where possible and the filling is permissible by Wis. Stats. Ch. 30.
2. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
3. The construction or maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction and maintenance.
4. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland, provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland.
5. The maintenance, repair, replacement or reconstruction of existing streets, highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
6. The construction of streets, highways and bridges which are necessary for the continuity of the city street system, the provision of essential utility and emergency services or to provide access to uses permitted under this article, provided that:
  - a. The road cannot, as a practical matter, be located outside the wetland.
  - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
  - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
  - d. Road construction activities are carried out in the immediate area of the roadbed only.

## (9) Wetland alterations are limited to those which are necessary for the construction or maintenance of the road.

## (a) Uses allowed upon the issuance of a conditional use permit, provided that wetland alterations are limited as specified:

1. The construction or maintenance of nonresidential buildings, provided that:

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**Section 114.02.24: Shoreland and Watercourse Overlay Zoning District**

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2. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted under the terms of this article.
  3. The building cannot, as a practical matter, be located outside the wetland.
  4. Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
  5. Filling and excavating do not exceed the minimum extent necessary to provide structural support for the building.
- (b) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, fish and wildlife habitat improvement projects, fish hatcheries, and public boat launching ramps, provided that:
1. Any private development is used exclusively for the permitted use.
  2. Filling and excavating are limited to the minimum extent necessary for the construction or maintenance of public boat launching ramps.
  3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, fish and wildlife habitat improvement projects, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (c) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, and the construction or maintenance of railroad lines provided that:
1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
  2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.
  3. Filling and excavating do not exceed the minimum extent necessary to provide structural support for the building.
- (10) Shoreland zoning requirements in certain circumstances
- (a) Statutory authorization, findings of fact and statement of purpose.
1. Statutory authorization. The ordinance from which this section is derived is adopted pursuant to the authorizations in Wis. Stats. §§ 62.23 and 62.233.
  2. Finding of fact and purpose. Uncontrolled use of shorelands and pollution of the navigable waters of the city would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
    - a. Promote the public health, safety, convenience and general welfare;
    - b. Limit certain land use activities detrimental to shorelands; and
    - c. Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.
- (b) General provisions.
1. Compliance. The use of shorelands within the shoreland area of the City of Columbus shall be in full compliance with the terms of this section and other applicable local, state or

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**Section 114.02.24: Shoreland and Watercourse Overlay Zoning District**

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federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this section.

2. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies.
  3. Abrogation and greater restrictions.
    - a. The ordinance from which this section is derived supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than the ordinance from which this section is derived, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
    - b. The ordinance from which this section is derived is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.
  4. Interpretation. In its interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the City of Columbus and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.
  5. Severability. Should any portion of this section be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this section shall not be affected.
- (c) Applicability of shoreland district regulations. The shoreland zoning district regulations apply only to the following shorelands:
1. A shoreland that was annexed by the City of Columbus after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stat. § 59.692; and
  2. A shoreland that before incorporation by the City of Columbus was part of a city that was subject to a county shoreland zoning ordinance under Wis. Stat. § 59.692 if the date of incorporation was after April 30, 1994.
- (d) District boundaries. The shoreland district areas regulated by this section shall include all the lands (referred to herein as shorelands) in the City of Columbus that are as set forth in subsection (3) above and that are:
1. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
  2. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
  3. Determinations of navigability and ordinary highwater mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the

## Section 114.02.24: Shoreland and Watercourse Overlay Zoning District

appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.

4. Pursuant to Wis. Stat. § 62.233, the shoreland zoning district does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.
- (e) Effect of existing land division, sanitary, zoning and other regulations. The lands within the shoreland zoning district are subject to all applicable provisions of the City of Columbus Municipal Code. Where the provisions of this section are more restrictive than other regulations in the Municipal Code, the provisions of this section shall apply.
- (f) Setbacks from the water.
1. Principal building setbacks.
    - a. All principal buildings shall be set back at least 50 feet from the ordinary highwater mark.
    - b. Adjustment of shore yards. A setback less than that required by subsection (a)1. may be allowed if all of the following apply:
      - i. 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; and
      - ii. 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.
  2. Boathouses. Boathouses accessory to permitted and conditional uses may be located within a shoreyard, but:
    - a. Shall not be closer than 20 feet to the average annual highwater elevation of a stream, lake, river, pond or wetland; shall not exceed one boathouse per shoreyard lot; shall not exceed 12 feet in height above the ordinary highwater mark; shall not exceed 600 square feet in horizontal area covered; and shall not be closer than ten feet to any side lot line. In no case, however, shall boathouses be allowed to project beyond the shoreline.
    - b. Shall be constructed in such a manner as to orient the main opening of the boathouse toward the body of water and shall be used strictly for the storage of boats and water-related recreational accessories. The use of a boathouse for human habitation is prohibited. No plumbing, heating or cooking facilities may be provided in or for a boathouse.
    - c. Shall not be located in the vegetative buffer zone required in subsection (7).
  3. Other accessory buildings. Accessory buildings accessory to permitted and conditional uses may be located within a shoreyard, but:
    - a. Shall not be closer than 75 feet to the average annual highwater mark; shall not exceed one accessory building per shoreyard lot; shall be limited in size to 600 square feet or less in area; shall be at least ten feet from the principal structure; shall be at least ten feet from any side lot line; and shall not be greater than 12 feet in height.
    - b. Shall not be used for human habitation or animal shelter.
    - c. Shall not be placed in the vegetative buffer zone required in subsection (7).

Section 114.02.25: Wastewater Treatment Overlay Zoning District

- 4. Accessory structures meeting all applicable requirements of the underlying zoning district and the City of Columbus Municipal Code may be placed in side and street yards.
- (g) Vegetative buffer zone. Pursuant to Wis. Stat. § 62.233, a landowner must maintain a vegetative buffer zone, as follows:
  - 1. A person who owns shoreland property that contains vegetation must maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary highwater mark of the navigable water, except as provided in subsection (b).
  - 2. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
  - 3. A person who is required to maintain or establish a vegetative buffer zone under subsection (a) may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and extends no more than 35 feet inland from the ordinary highwater mark.
- (h) Definitions. In this section:
  - 1. Principal building means the named building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
  - 2. Shorelands lands within the following distances from the ordinary highwater mark of navigable waters; 1,000 feet from a lake, pond or flowage. If the navigable water is a glacier pothole lake, this distance shall be measured from the highwater mark of the lake; and, 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.
  - 3. Shoreland setback area means an area in a shoreland that is within a certain distance of the ordinary highwater mark in which the construction or placement of building or structures have been limited or prohibited under this chapter.

**Section 114.02.25: Wastewater Treatment Overlay Zoning District**

- (1) (WTO) Wastewater Treatment Overlay Zoning District
  - (a) Intent. To limit development in proximity to the municipal wastewater treatment to those uses deemed most consistent with the purpose and intent of this ordinance.
  - (b) Defined. The wastewater treatment overlay district is hereby defined as all those areas located within 500 feet of the perimeter of the wastewater treatment plant property.
  - (c) Restricted. No new residential zoning and no new residential uses shall be established within the wastewater treatment overlay district subsequent to the effective date of this ordinance.

**Section 114.02.26: Well-Head Protection Overlay Zoning District**

- (1) (WPO) Wellhead Protection Overlay Zoning District
  - (a) Intent. To limit development in proximity to municipal wellhead(s) to such uses as may be compatible with protection of the public works supply.
  - (b) Defined. The wellhead protection overlay district is hereby defined as all areas within 1,200 feet of any municipal wellhead(s) unless such district is subsequently mapped. If mapped, the district is comprised only of those mapped areas.

**Commented [SK13]:** Plan Commission: This section is being reviewed by the Village Engineer.

Staff: This is retained from your existing code. Is it working ok for you now? Do you want to see changes?

Here is an example of alternative language (looks like this gets more specific and references the state administrative rule).

(1)Purpose. The purpose of this overlay district is to provide isolation for sewage treatment facilities in order to enhance plant security and reliability, while also minimizing potential impacts to surrounding land uses caused by the facility.

(2)Buffers. The following separation distances shall be maintained between existing sewage treatment facilities and existing or future commercial and/or residential uses, in accordance with NR 110.15(3)(d) of the State Natural Resources Code unless a waiver is obtained through the Wisconsin Department of Natural Resources.

(a)150 meters (500 feet) for mechanical treatment facilities, effluent holding and polishing ponds;

(b)150 meters (500 feet) for seepage cells, ridge and furrow systems, and overland flow systems;

(c)230 meters (750 feet) for aerated lagoons;

(d)305 meters (1,000 feet) for off site sludge holding facilities and spray irrigation systems;

(e)460 meters (1,500 feet) for stabilization lagoons

**Commented [SK14]:** Plan Commission: This section is being reviewed by the Village Engineer.

Staff: This is retained from your existing code. Is it working ok for you now? Do you want to see changes? Is there an established well-head protection map?

- (c) Restricted. All nonresidential uses established subsequent to the effective date of this ordinance within the wellhead protection overlay district shall be subject to conditional use review and approval under [Article III](#), for the purpose of restricting uses that may pose a threat to the public water supply.

**Sections 114.02.27 to 114.02.99: Reserved**

## ARTICLE III: LAND USE REGULATIONS

### Section 114.03.01: Purpose

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

### Section 114.03.02: Regulation of Allowable Land Uses

The allowable land uses for each zoning district are established in Article II of this Chapter and in Section 114.03.05. Detailed descriptions and regulations for uses are found in Sections 114.03.06 through 114.03.30. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 114.10.51. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to identify a comparable use or determine if an amendment to this Chapter is necessary.

- (1) Principal Land Uses Permitted by Right. Principal land uses listed as permitted by right (designated by the letter “P” in Section 114.03.05) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable city, county, state, and federal regulations.
- (2) Principal Land Uses Permitted as Conditional Uses. Principal land uses allowed only with a conditional use permit (designated by the letter “C” in Section 114.03.05) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 114.10.32. Except for uses approved under a general development plan and specific implementation plan in a planned unit development (see Section 114.10.45), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 114.10.32.
- (3) Accessory Land Uses. Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the following listed regulations.
  - (a) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use or structure, unless otherwise stated in this Chapter.
- (4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter “P” in the Table of Land Uses in Section 114.03.05) are permitted on a temporary basis subject to permitting requirements of Section 114.10.30 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter “C” in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 114.10.32.

### Section 114.03.03: Regulations Applicable to All Land Uses

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

## Section 114.03.03: Regulations Applicable to All Land Uses

- (1) All land use and development of land shall comply with the regulations and requirements of the following Articles, as applicable. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the City of Columbus.
- (a) Overlay Zoning District Requirements in Article **II**.
  - (b) Land Use Regulations and Requirements in Article **III**.
  - (c) Density, Intensity, and Bulk Regulations and Requirements in Article **IV**.
  - (d) Performance Standards in Article **VI**.
  - (e) Exterior Building Design Standards in Article **VII**.
  - (f) Landscape and Bufferyard Regulations in Article **VIII**.
  - (g) Signage Regulations in Article **IX**.
  - (h) Any other applicable requirements in the City of Columbus Municipal Code.
- (2) **Number of Principal Buildings per Lot.**
- (a) Multiple principal buildings shall be permitted on the same lot within the following zoning districts if all land use (**Article III**) and bulk dimensional (**Article IV**) requirements are met:
    1. Multifamily Residential – 1 (MR-1)
    2. Multifamily Residential – 2 (MR-2)
    3. Business Park (BP)
    4. Light Industrial (LI)
    5. Heavy Industrial (HI)
  - (b) In all other zoning districts, a maximum of one principal building shall be permitted on any one lot, with the exception of the following:
    1. Group Developments (**Section 114.06.02**)
    2. Planned Developments (**Section 114.02.11**)
    3. Manufactured Home Parks (**Section 114.03.06**)
    4. Temporary Buildings (**Section 114.03.30**)
- (3) Residential Uses in a Building. Unless a legal dwelling unit is established within a structure in compliance with the Building Code (**Chapter 18**), no building shall contain a residential land use.
- (4) Number of Land Uses per Building. Any number of land uses that are permitted by right can be combined within a building or on a given lot, per the limitations of those individual uses. Any number of land uses that require a conditional use permit can be combined within a building or on a given lot, per the limitations of those individual uses and with each approved through the conditional use process (**Section 114.10.32**).
- (5) Accessory Structures. Accessory structures may be allowed where they comply with the following conditions and requirements:
- (a) Separation from Principal Structures. Detached accessory buildings shall be separated as regulated by the Uniform Dwelling Code. The “separation” distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be located in the required separation area and do not render the structures attached for setback

**Commented [SK15]:** Plan Commission: A CUP applies for a Group Development - multiple principal buildings per lot - in certain zoning districts. Those listed here are exempt, meaning they can have more than one principal building by right if the development complies with Land Use and Bulk regs for the district.

Where a Group Development applies, certain additional review processes/standards are required. Since those are design standards/processes, they will be included in Part 2.

Group Development is **not** required for more than one land use. The principal land uses on site would just need to comply with the regulations listed for them in Article III.

## Section 114.03.03: Regulations Applicable to All Land Uses

purposes. All accessory buildings and structures on a lot are subject to the maximum impervious surface ratio requirements for each zoning district (Article IV).

- (b) Accessory Structures without Principal Structure.
1. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure or the establishment of a principal land use.
  2. When an accessory structure becomes the only structure on a lot as the result of demolition of the principal building, the accessory structure shall be demolished within 18 months of the demolition of the principal building. The Zoning Administrator shall have the ability to extend this period by an additional 18 months if the property owner has a concept plan, as approved by the Zoning Administrator, to build a new principal building or otherwise redevelop the site in a manner that uses the accessory structure.
    - a. All driveways, paved areas, and below grade improvements on the lot shall also be removed. All public utilities shall be abandoned at their connection with the main unless written exception is obtained from the City Engineer.
- (6) Group Development Requirements. A Group Development may include any of the land uses in this Chapter that is permitted by right or by conditional use permit in the subject zoning district. All uses and development of land within a Group Development shall comply with all requirements of Section 114.06.02.
- (7) Planned Development Requirements. All land uses and development of land within a planned development shall comply with all requirements of Section 114.02.11 and 1114.10.45.
- (8) Nonconforming Uses, Lots, Structures, and Site Requirements.
- (a) Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article V.
  - (b) Land uses located on substandard lots or on nonconforming lots, nonconforming sites, or in nonconforming structures shall comply with all the regulations and requirements of Article V.
- (9) Site Plan Review Required. All development involving physical modifications to a site including but not limited to new developments, building additions, alterations, or removal; and additions to paving are subject to site plan review and approval in accordance with Section 114.10.43 of this Chapter, except for single family and two-family dwelling units in any zoning district.
- (10) Procedural Regulations and Requirements. All land use and development of land shall comply with all requirements of Article X, pertaining to the procedures necessary to secure review and approval of land use and development. Such regulations and restrictions address both procedural and technical requirements.
- (11) Demolition of a Principal Structure. Where a principal structure has been removed, all driveways, paved areas, and below grade improvements on the lot shall be removed. All public utilities shall be abandoned at their connection with the main unless written exception is obtained from the City Engineer. All demolition activities shall be in accordance with the City of Columbus Municipal Code and all State and Federal regulations. Asbestos abatement and removal of any other hazardous materials, when required, must be documented before any demolition activity takes place. Applicant shall provide building inspector proof of liability insurance. Proof of proper abandonment of all utilities and proof of notification of police and public works as required. Applicant shall notify diggers hotline (dial 811) prior to commencing any scraping, excavating, or boring.

**Commented [SK16]:** Staff: Note that the additional requirements for Group Development aren't presented until Part 2 (Article 6).

Section 114.03.04: Detailed Land Use Descriptions and Regulations

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**Section 114.03.04: Detailed Land Use Descriptions and Regulations**

The land use categories employed by this Chapter are defined in Sections 114.03.06 through 114.03.30. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 114.10.50 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

**Section 114.03.05: Table of Land Uses**

The Table of Land Uses establishes the permitted land uses within each of the City of Columbus's Zoning Districts as established in Article II.

Section 114.03.05: Table of Land Uses

Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	Single Family Residential -1	Single Family Residential -2	Multifamily Residential-1	Multifamily Residential-2	Mobile Home Residential-1	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Intensive Outdoor Activity
<b>Residential Land Uses (§114.03.06)</b>															
Apartments/Multiplexes				P		P									
Boarding House Living Arrangement				C		C	C	C							
Mobile Home					P										
Mobile Home Park					P										
Single Family Dwelling Unit	P	P	P	P	P	P						P			
Townhouse				P		P									
Twin House/Duplex/Two-Flat (two unit)			P	P		P									
<b>Mixed-Use Land Uses (§114.03.08)</b>															
Live/Work Unit				P		P	P	P							
Mixed Use Building						P	P	P							
<b>Commercial Land Uses (§114.03.10)</b>															
Adult-Oriented Entertainment Business															P
Artisan Production Shop						P	P	P	P	P	P	P			
Bed and Breakfast	C	C	P	P		P	P	P							
Campground												P		P	P
Commercial Animal Boarding						P			P	P	P	P			P
Commercial Animal Daycare						P			P	P	P	P			P

**Commented [SK17]:** Plan Commission: This is similar to the tables we looked at in Excel Format but now formatted for the code. This may be easier to scan. Are you comfortable with where the land uses are allowed?  
  
For reviewing, you may want to print the land use table and look at it side by side with the land use definitions in Article III.

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	<i>Single Family Residential -1</i>	<i>Single Family Residential -2</i>	<i>Multifamily Residential-1</i>	<i>Multifamily Residential-2</i>	<i>Mobile Home Residential-1</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Intensive Outdoor Activity</i>
Commercial Indoor Lodging						P	P	P	P	P					
Commercial Kitchen						P	P	P	P	P					
Drive-Through & In-Vehicle Sales or Service						P			P						
Golf Course						P						P		P	P
Group Daycare Center (9+ children)				P		P	P	P	P	P				P	
Indoor Commercial Entertainment						P	P		P	P					P
Indoor Maintenance Service						P	P		P	P	P				P
Indoor Sales or Services						P	P		P	P	P				P
Indoor Shooting Range										P	P				P
Intensive Outdoor Activity															P
Office						P	P	P	P	P	P		P		P
Outdoor Commercial Entertainment						P	P	P	P	P		P			P
Outdoor Maintenance Service										P	P	P			P
Outdoor Sales and Display						P	P		P	P	P				P
Personal or Professional Service						P	P	P	P	P					P
Vehicle and Boat Sales						P			P	P	P				P
Vehicle Service and Repair						P			P	P	P				P

Section 114.03.05: Table of Land Uses

Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	Single Family Residential -1	Single Family Residential -2	Multifamily Residential-1	Multifamily Residential-2	Mobile Home Residential-1	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Intensive Outdoor Activity
<b>Institutional Land Uses (§114.03.12)</b>															
Active Outdoor Recreation	P	P	P	P	P			P				P	P	P	P
Community Living Arrangement 1-8	P	P	P	P	P	P	P	P							
Community Living Arrangement 9-15	C	C	P	P	P	P	P	P							
Community Living Arrangement 16+	C	C	C	P	C	P	P	P							
Small Scale Public Services and Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Institutional	C	C	C	C	C	P	P	P	P	P	P	P		P	P
Institutional Residential				P	P	P	P	P							
Large Scale Public Services and Utilities								P	P	P	P	P			P
Outdoor Open Space Institutional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Passive Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Industrial Land Uses (§114.03.14)</b>															
Data Center															C
Heavy Industrial											P				P

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	Single Family Residential -1	Single Family Residential -2	Multifamily Residential-1	Multifamily Residential-2	Mobile Home Residential-1	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Intensive Outdoor Activity
Indoor Food Production and Processing									P	P	P				P
Light Industrial									P	P	P				P
Medium Industrial										P	P				
Production Greenhouse										P	P				P
<b>Storage Land Uses (§114.03.16)</b>															
Indoor Storage and Wholesaling									P	P	P				P
Outdoor Storage and Wholesaling										C	P				P
Personal Storage Facility										P	P				
<b>Transportation Land Uses (§114.03.18)</b>															
Airport											P	P			P
Distribution Center									P	P	P				P
Freight Terminal										P	P				P
Heliport						C		P	P	P	P	P			P
Off-Site Parking Lot				P		P	P	P	P	P	P			P	P
Off-Site Structured Parking				P		P	P	P	P	P	P				P
Transit Center						P	P	P	P	P	P				P

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	Single Family Residential -1	Single Family Residential -2	Multifamily Residential-1	Multifamily Residential-2	Mobile Home Residential-1	Corridor Mixed Use	Downtown Mixed Use	Institutional	Business Park	Light Industrial	Heavy Industrial	Agricultural	Conservancy	Parks and Recreation	Intensive Outdoor Activity
<b>Telecommunications Land Uses (§114.03.20)</b>															
Communication Tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<b>Extraction and Disposal Land Uses (§114.03.22)</b>															
Composting										P	P	P			C
Extraction															P
Indoor Recycling Facility										C	C				P
Salvage or Junkyard															P
Sand and Mineral Processing											P				P
Waste Disposal/Landfill											P				P
<b>Energy Production Land Uses (§114.03.24)</b>															
Large Solar Energy System											P	P			P
Large Wind Energy System											P	P			P
<b>Agricultural Land Uses (§114.03.26)</b>															
Agricultural Services												P			P
Community/Market Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Husbandry												P			
On-Site Agricultural Retail												P			

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	<i>Single Family Residential -1</i>	<i>Single Family Residential -2</i>	<i>Multifamily Residential-1</i>	<i>Multifamily Residential-2</i>	<i>Mobile Home Residential-1</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Intensive Outdoor Activity</i>
<b>Accessory Land Uses (§114.03.28)</b>															
Accessory Dwelling Unit	P	P	P	P	P	P	P	P				P			
Communication Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Company Cafeteria						P	P	P	P	P	P	P		P	P
Detached Residential Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Electric Vehicle Charging	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farm Residence												P			
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P			
Incidental Indoor Sales						P	P	P	P	P	P	P		P	P
Incidental Light Industrial						P	P	P	P	P	P	P			P
Incidental Outdoor Commercial Entertainment						P	P	P	P	P	P	P		P	P
Incidental Outdoor Display and Sales						P	P	P	P	P	P	P		P	P
Incidental Outdoor Storage						P		P	P	P	P	P		P	P
In-Family Suite	P	P	P	P	P							P			
In-Home Daycare (Less than 9)	P	P	P	P	P	P	P	P				P			
Migrant Employee Housing												P			
Nonresidential Accessory Structure						P	P	P	P	P	P	P	P	P	P

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	<i>Single Family Residential -1</i>	<i>Single Family Residential -2</i>	<i>Multifamily Residential-1</i>	<i>Multifamily Residential-2</i>	<i>Mobile Home Residential-1</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Intensive Outdoor Activity</i>
On-Site Parking Lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-Site Structured Parking				P		P	P	P	P	P	P				P
Personal Antenna and Towers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential/Accessory Apiary	P	P	P	P	P			P	P	P	P	P			
Residential Chickens	P	P	P	P	P			P				P			
Residential Kennel	P	P	P	P	P							P			
Residential Stable												P			
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Short-Term Residential Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Small Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Small Wind Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Temporary Land Uses (§114.03.30)</b>															
Farmer's Market						P	P	P	P			P		P	
Garage or Estate Sale	P	P	P	P	P	P	P	P				P		P	
Temporary Farm Product Sales/Roadside Stand						P	P	P	P			P			
Temporary Moving Container (Residential)	P	P	P	P	P	P	P	P	P	P	P	P			
Temporary On-Site Construction Storage, Project Office, and Real Estate Sales Office	P	P	P	P	P	P	P	P	P	P	P	P		P	P

Section 114.03.05: Table of Land Uses

<b>Land Uses Permitted:</b> Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to requirements for that land use to determine if a Conditional Use Permit is required	SR-1	SR-2	MR-1	MR-2	MH	CMU	DMU	INST	BP	LI	HI	AG	CON	PR	IOA
	<i>Single Family Residential -1</i>	<i>Single Family Residential -2</i>	<i>Multifamily Residential-1</i>	<i>Multifamily Residential-2</i>	<i>Mobile Home Residential-1</i>	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Intensive Outdoor Activity</i>
Temporary Outdoor Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Outdoor Sales						P	P	P	P	P	P	P		P	P
Temporary Outdoor Storage Container (non-res.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Refuse Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Relocatable Building						P	P	P	P	P	P	P		P	
Temporary Shelter Structure															
Temporary Vehicle Sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Section 114.03.06: Residential Land Uses**

- (1) **Apartment/Multiplex:** This dwelling unit type consists of a single structure with three or more individual attached dwelling units.

Regulations:

- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.
- (b) See Section 114.07.20 for multi-family design standards and Section 114.06.43 for on-site recreation space requirements.
- (c) All development shall comply with the requirements of the Municipal Code.
- (d) Minimum and maximum required parking: See Section 114.06.06.
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment/Multiplex land uses. Specific requirements can be found in Sections 114.04.11 to 114.04.14 under the density, intensity, and bulk requirements for each residential zoning district.

**Commented [SK18]:** Plan Commission: Detail on the additional standards how this will be regulated will be provided in Part 2. Generally, it requires a minimum amount of on site open space for residential development. It can require that this be considered in design and provide an amenity for residents, but at the same time can limit site development capacity and add cost.

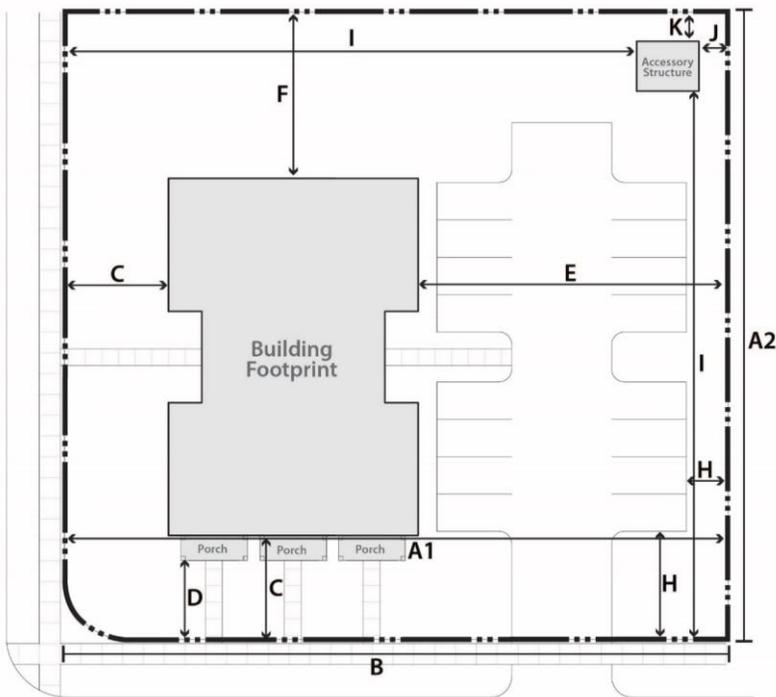
**Figure 114.03.06a: Apartment/Multiplex**

Key to Figure

- A Minimum Lot Area (A1 x A2)
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- I Minimum Accessory Building Front Yard or Street Side Corner Setback
- J Minimum Accessory Building Side Yard Setback - Interior
- K Minimum Accessory Rear Yard Setback

**Commented [SK19]:** Plan Commission: Are you okay with unenclosed porch protrusion into front/street side yards (closer to property line)? Staff has reviewed.

**Commented [SK20]:** Plan Commission: Your feedback was not to regulate thrust garages/width of façade. This is where those regulations would go but since we are not using them, this still needs to be removed from the graphic to avoid confusion.



Section 114.03.06: Residential Land Uses

- (2) **Boarding House Living Arrangement:** A residential land use where occupancy of a dwelling unit is shared by six or more unrelated individuals. Boarding House Living Arrangements area social configuration of occupants and must accompany one or more of the other Residential Land Use (Section 114.03.06) physical configurations.
  - (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  - (b) Minimum and maximum required parking: See Section 114.06.06.
- (3) **Duplex/Twin House:** This dwelling unit type consists of two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Duplexes and Twin Houses are attached side-by-side units, each with a ground floor and roof. Two dwelling units in a Duplex are located on one lot, while two dwelling units in a Twin House are located on separate lots (also known as a zero-lot line duplex).

Regulations:

- (a) In the case where any dwelling unit is under separate ownership, recorded deed restrictions or covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.
- (b) Duplex/Twin House Lots are subject to a perpetual easement along and 6 feet on either side of the existing water and sewer laterals for the purpose of maintaining, improving and repairing the same.
- (c) Each Duplex or Twin House constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the two dwelling units in the structure.
- (d) See Section 114.07.10 for design standards for two family uses.
- (e) Minimum and maximum required parking: See Section 114.06.06.
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex or Twin Houses land uses. Specific requirements for Duplexes or Twin Houses can be found in Sections 114.04.11 to 114.04.14 under the density, intensity, and bulk requirements for each residential zoning district.

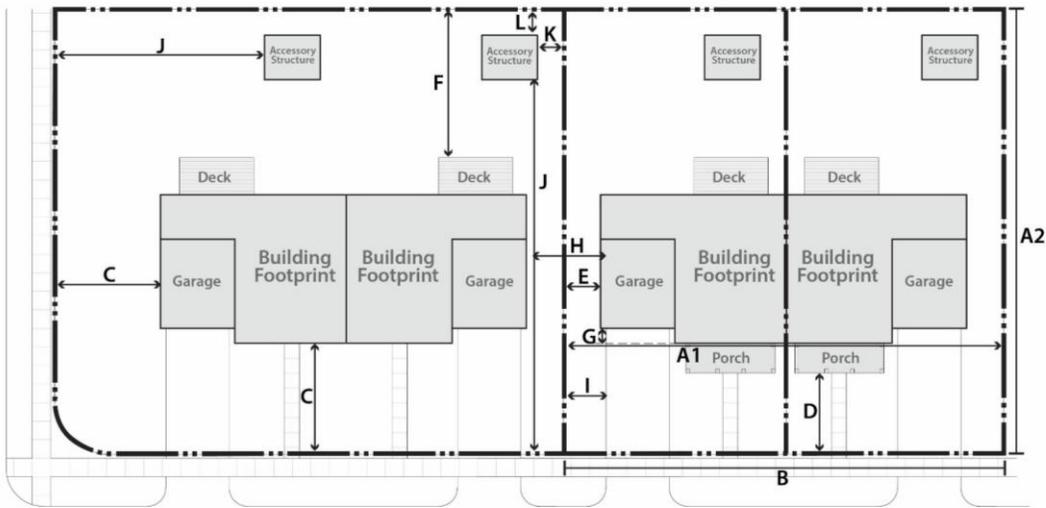
**Figure 114.03.06b: Duplex/Twin Home**

Key to Figure	
A	Minimum Lot Area (A1 x A2)
A1	Minimum Lot Width (at front setback line)
B	Minimum Lot Frontage at Right-of-Way
C	Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
D	Minimum Porch Setback from Front and Street Side Corner
E	Minimum Side Yard Setback – Interior

Section 114.03.06: Residential Land Uses

- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Building Separation
- I Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- J Minimum Accessory Building Front Yard or Street Side Corner Setback
- K Minimum Accessory Building Side Yard Setback – Interior
- L Minimum Accessory Building Rear Yard Setback

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## Section 114.03.06: Residential Land Uses

- (4) **Manufactured home:** A one- or two-family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V of chapter COMM 21, Wis. Adm. Code, or a comparable foundation as approved by the local Building Inspector, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide.
- (5) **Mobile Home:** A type of single-family dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. A Mobile Home does not include a "modular home" as defined by this Chapter. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle. A modular home is regulated as a Single-Family Dwelling Unit under [Section 114.03.06\(10\)](#).

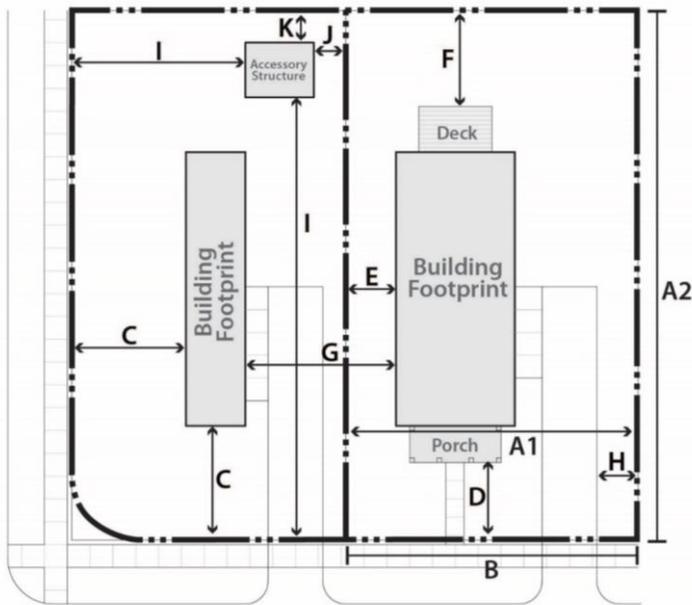
## Regulations:

- (a) No Mobile Home may be split into two or more residences.
- (b) Within 30 days of occupancy, the owner shall remove the axle and install skirting.
- (c) The building design standards of [Section 114.07.10](#) shall not apply.
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home land uses. Specific requirements for Mobile Homes can be found in [Sections 114.04.11 to 114.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 114.03.06d: Mobile Home**

Key to Figure

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Building Separation
- H Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- I Minimum Accessory Building Front Yard or Street Side Corner Setback
- J Minimum Accessory Building Side Yard Setback – Interior
- K Minimum Accessory Building Rear Yard Setback



## Section 114.03.06: Residential Land Uses

- (6) **Modular home:** A dwelling unit meeting the Uniform Dwelling Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single-family dwelling unit under [Section 114.03.06\(10\)](#).
- (7) **Mobile Home Park:** This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Manufactured Homes. Each Manufactured Home must meet the requirements listed under [Section 114.03.06\(6\)](#), above.

## Regulations:

- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- (b) No access shall be permitted to local residential streets, except to the internal roadways and streets.
- (c) All development shall comply with the requirements of the Municipal Code.
- (8) **Single Family Dwelling Unit:** This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot. Single family dwelling units are designed for one family and have no roof, wall, or floor in common with any other dwelling unit. A single-family dwelling that contains an in-family suite or accessory dwelling unit is still considered a single-family dwelling.

## Regulations:

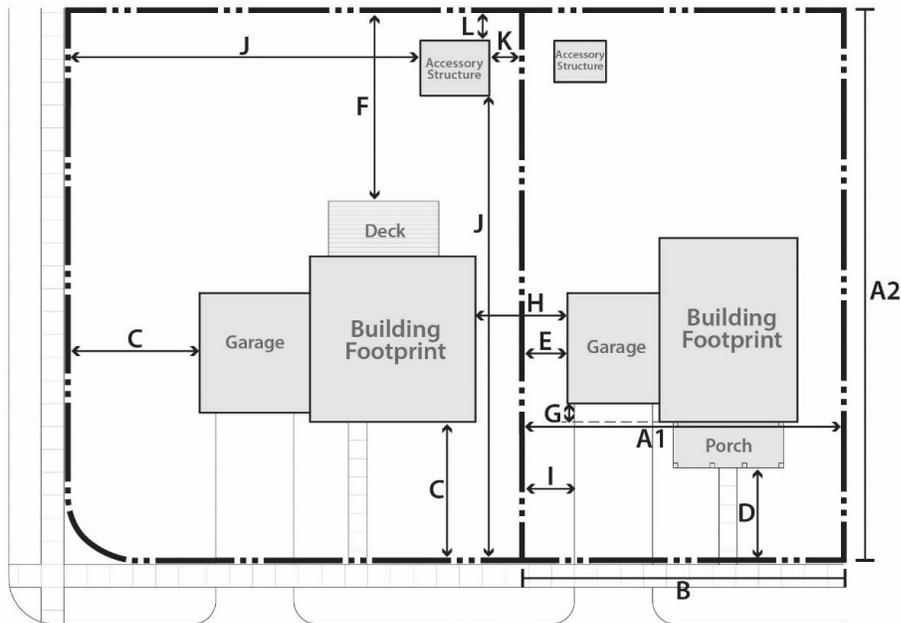
- (a) The dwelling unit shall be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a modular home as permitted by the UDC, or may be a manufactured home that has received a Federal Manufactured Housing Certificate label, meets all Building Code requirements for permanent foundations and footings, and the structure is permanently affixed to the permanent foundation with concrete anchors.
- (b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- (c) See [Section 114.07.10](#) for design standards for single family dwelling units.
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family dwelling units. Specific requirements for Single Family dwelling units can be found in Article IV under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 114.03.06f: Single Family Dwelling Unit**

Key to Figure

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Building Separation
- I Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- J Minimum Accessory Building Front Yard or Street Side Corner Setback
- K Minimum Accessory Building Side Yard Setback – Interior
- L Minimum Accessory Building Rear Yard Setback

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## Section 114.03.06: Residential Land Uses

- (9) **Townhouse:** This dwelling unit type consists of attached structures, each having private, individual access. This dwelling unit type may be located on its own lot or attached on a single lot. Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

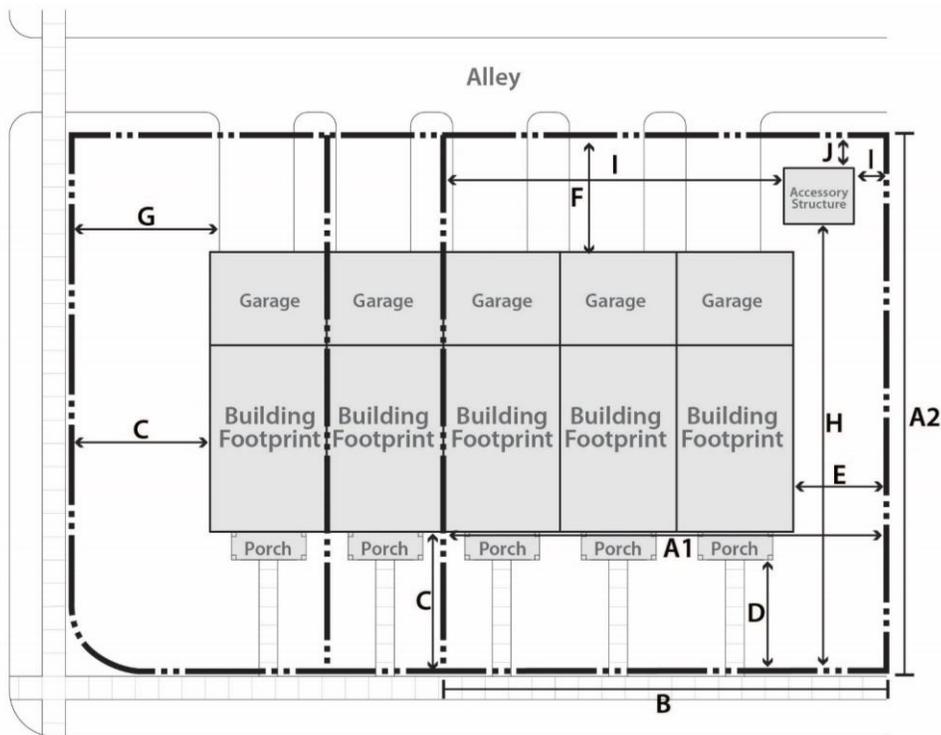
## Regulations:

- (a) In the case where any dwelling unit is under separate ownership, recorded covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.
- (b) Each townhouse constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the dwelling units in the structure.
- (c) See [Section 114.07.20](#) for multi-family design standards and [Section 114.06.43](#) for on-site recreation space requirements.
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in [Sections 114.04.11 to 114.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 114.03.06g: Townhouse**

**Key to Figure**

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- H Minimum Accessory Building Front Yard or Street Side Corner Setback
- I Minimum Accessory Building Side Yard Setback – Interior
- J Minimum Accessory Building Rear Yard Setback



## Section 114.03.06: Residential Land Uses

- (10) **Two-Family Dwelling:** This dwelling unit type consists of a single structure with two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. The units are arranged either vertically (one above the other) or back-to-back, but not side-by-side. Side-by-side configurations are considered a Duplex/Twin House.

## Regulations:

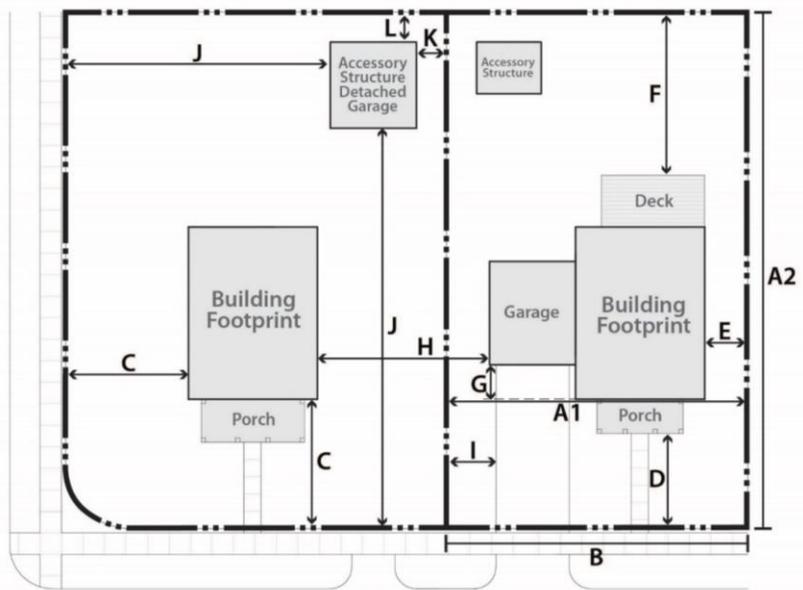
- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required. When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, use, and maintenance, shall be dealt with by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same.
- (b) This dwelling unit type may not be split into more than two residences and remain a Two-Flat. A building with three or more residences is considered an Apartment/Multiplex land use.
- (c) See [Section 114.07.10](#) for design standards for two family uses.
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two-Flat land uses. Specific requirements for Two-Flats can be found in [Sections 114.04.11 to 114.04.14](#) under the density, intensity, and bulk requirements for each residential zoning district.

**Figure 114.03.06h: Two-Family Dwelling**

Key to Figure

- A Minimum Lot Area ( $A1 \times A2$ )
- A1 Minimum Lot Width (at front setback line)
- B Minimum Lot Frontage at Right-of-Way
- C Minimum Front Street and Street Side Corner Setback (lot line to principal building or attached garage)
- D Minimum Porch Setback from Front and Street Side Corner
- E Minimum Side Yard Setback – Interior
- F Minimum Rear Yard Setback and Attached Deck Setback (lot line to principal building or attached garage)
- G Minimum Front-Loaded Garage Setback (garage door to front plane of the principal structure)
- H Minimum Building Separation
- I Minimum Pavement Setback (lot line to pavement excluding driveway entrance)
- J Minimum Accessory Building Front Yard or Street Side Corner Setback
- K Minimum Accessory Building Side Yard Setback – Interior
- L Minimum Accessory Building Rear Yard Setback

Commented [SK23]: Need to remove from table and graphic.



Section 114.03.07: Reserved

## Section 114.03.08: Mixed-Use Buildings

**Section 114.03.08: Mixed-Use Buildings**

- (1) **Live/Work Building:** A multi-unit building, typically arranged in a townhouse format, in which each dwelling unit is occupied by the business operator of a commercial use (such as a shop, office, studio, or other workspace) in the same structure. Both uses shall be occupied by the same resident/business operator. The commercial use may be connected to the residential use.

Regulations:

- (a) Each unit in the live/work building shall be the primary dwelling of the occupant.
- (b) The commercial use is subject to the regulations of the applicable land use category in [Section 114.03.10](#). The commercial component of the live/work building is limited to the following land uses:
  1. Office
  2. Personal or Professional Service
  3. Indoor Sales or Service
  4. Artisan Production Shop
  5. Indoor Maintenance Service (Nonresidential)
- (c) Employees who are not residents of the unit are permitted.
- (d) Both uses are subject to the density, intensity, and bulk requirements of [Article IV](#).
- (e) Minimum and maximum required parking: See [Section 114.06.06](#).
- (f) Live/Work Buildings shall comply with the design standards for commercial and mixed-use land uses. See [Section 114.07.30](#).

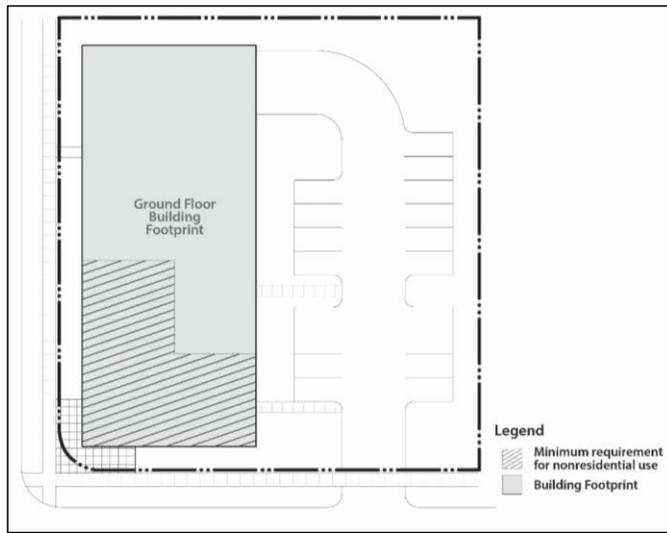
- (2) **Mixed-Use Building:** A building containing a mix of principal nonresidential land uses and principal residential land uses.

Regulations:

- (a) Both uses are subject to the density, intensity, and bulk requirements of [Article IV](#).
- (b) Land Use Minimums.
  1. For any lot not located within the Downtown Mixed-Use District, the principal indoor nonresidential use of any mixed-use building shall consist of a minimum of 25 percent of that principal structure's total ground level gross floor area. (See [Section 114.03.10](#) for Commercial and [Section 114.03.12](#) for Institutional.) The required nonresidential use floor area shall be calculated based on the total ground floor area of the principal structure. If the ground floor area is 10,000 square feet or greater, the minimum requirement for nonresidential use space shall be 3,000 square feet. See [Figure 114.03.08a](#) below.
    - a. The lobby or entryway spaces intended for use by both residential and nonresidential land uses shall count toward the minimum amount of ground floor nonresidential use floor area required in the calculation above.
  2. For any lot located within the Downtown Mixed-Use District, no residential land uses are permitted on the ground floor on parcels that face Ludington Street or E. James Street.
- (c) Minimum and maximum required parking: See [Section 114.06.06](#).
- (d) Mixed-Use Buildings shall comply with the design standards for commercial and mixed-use land uses. See [Section 114.07.30](#). See [Section 114.06.43](#) for on-site recreation space requirements.

**Commented [SK24]:** Plan Commission: This requires a minimum amount of commercial space on a ground floor for a mixed-use building. Instead of requiring 100% commercial, it requires 25% minimum. The balance may be residential. Are you comfortable with 25% as the minimum commercial space in a mixed use building? Some communities push it higher.

This would be for areas **not** in the core downtown. Staff is discussing defining the core downtown as parcels that face Ludington and E. James. These main streets should not have any residential on the commercial face of the building.

**Figure 114.03.08a: Mixed-Use Building Requirements (Outside of DMU)****Section 114.03.09: Reserved****Section 114.03.10: Commercial Land Uses**

- (1) **Adult-Oriented Entertainment Business:** An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health or sport club, adult steam room or bathhouse facility, or any other business in which the primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse.

Regulations

- (a) Refer to **Chapter 6 of the City Code.**

- (2) **Artisan Production Shop:** A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

Regulations.

- (a) Minimum and maximum required parking: See **Section 114.06.06.**

- (3) **Bed and Breakfast:** Bed and Breakfasts are places of lodging that provide rooms for rent in the owner's personal residence, are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property.

## Section 114.03.10: Commercial Land Uses

- (b) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.
  - (c) The facility shall comply with the requirements of Wis. Stats. § 254.61 and Wis. Admin. Code Chap. DHS 197.
  - (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (4) **Campground:** Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles, including use of vehicles for overnight stays in parking lots and other similar locations not in campgrounds.

## Regulations:

- (a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  - (b) Shall comply with the requirements of the Health Code of Columbia and Dodge County and applicable state regulations.
  - (c) Minimum and maximum required parking: See [Section 114.06.06](#).
- (5) **Commercial Animal Boarding:** Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.

## Regulations:

- (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all sides abutting residentially zoned property.
  - (b) Each animal shall be provided with an indoor containment area.
  - (c) All dogs must be licensed. See [Chapter 14 of the Municipal Code](#).
  - (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (6) **Commercial Animal Daycare:** Facilities where short-term pet daycare is provided. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.
- (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along sides abutting residentially zoned property.
  - (b) Each animal shall be provided with an indoor containment area.
  - (c) All dogs must be licensed. See [Chapter 14 of the Municipal Code](#).
  - (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (7) **Commercial Indoor Lodging:** Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as separate land uses.

## Regulations:

- (a) Customer entrances shall be located 50 feet from residentially zoned property.

## Section 114.03.10: Commercial Land Uses

- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  - (c) Minimum and maximum required parking: See Section 114.06.06.
- (8) **Commercial Kitchen:** A building or portion thereof used for the preparation of food that can be rented or used as a classroom by different organizations, businesses, or individuals. Products produced on site may be sold off site.

Regulations:

- (a) Shall comply with the requirements of the Health Code of Columbia and Dodge County and applicable state regulations.
  - (b) Minimum and maximum required parking: See Section 114.06.06.
- (9) **Drive-Through and In-Vehicle Sales or Service:** Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

- (a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility.
- (b) Drive-through windows shall not be located between the principal building and the street right-of-way.
- (c) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- (d) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
- (e) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, or the principal building setback, whichever is greater; a minimum of 20 feet from all residentially zoned property lines; and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the roof height.
- (f) Any fuel pumps or pump islands shall be a minimum of 50 feet from any street or abutting lot line.
- (g) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (h) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands not part of an approved stormwater management system. Said curbs shall be 6 inches high.
- (i) Stacking lanes for drive-through facilities shall provide pavement markings and shall not impede on-site traffic movements, parking, or pedestrian crossings, unless the Zoning Administrator determines this to be infeasible on the lot.
- (j) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as, but not limited to, Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.

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- (10) **Golf Course:** An area of land developed and maintained for outdoor golfing, including related facilities and amenities such as clubhouses, restaurants, outdoor entertainment, swimming pools, and active or passive outdoor recreation uses.

## Regulations:

- (a) Facilities using outdoor golf-oriented night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
  - (b) All structures and paved areas associated with outdoor recreational uses shall be located a minimum of 25 feet from any residentially zoned property.
  - (c) Indoor commercial entertainment, such as restaurants or clubhouses, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as separate land uses.
  - (d) Minimum and maximum required parking: See Section 114.06.06.
- (11) **Group Daycare Center (9+ Children):** Facilities which provide childcare services for 9 or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a place of worship, school, business, or civic organization. In such instances, group daycare centers are considered a separate principal use and require review as such. See Wis. Admin. Code DCF §251.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.
  - (b) Minimum and maximum required parking: See Section 114.06.06.
- (12) **Indoor Commercial Entertainment:** Land uses which provide restaurants, taverns, and entertainment services entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

## Regulations:

- (a) Shall comply with the requirements of the Health Code of Columbia and Dodge County and applicable state regulations.
  - (b) All uses selling alcohol shall comply with Chapter 6 of the City of Columbus Municipal Code.
  - (c) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  - (d) Minimum and maximum required parking: See Section 114.06.06.
- (13) **Indoor Maintenance Service:** Facilities where maintenance and repair service is provided and all operations are located entirely within an enclosed building, including the repair of clocks, vacuum cleaners, and small appliances. This shall not include Vehicle and Boat Sales or Vehicle Service and Repair land uses.

## Regulations:

- (a) Minimum and maximum required parking: See Section 114.06.06.
- (14) **Indoor Sales or Service:** The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Examples of such uses include, but are

## Section 114.03.10: Commercial Land Uses

not limited to, general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, copy and printing centers, photo processing centers, and physical activity studios (yoga, dance, art, martial arts, gymnastics, music schools, etc.).

Regulations:

(a) Minimum and maximum required parking: See [Section 114.06.06](#).

- (15) **Indoor Shooting Ranges:** Land use which provides an indoor shooting range service entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified noise and lighting, safety and security, and late operating hours that extend significantly later than most other commercial land uses.

Regulations.

- (a) The building and method of operation shall conform to all applicable State and Federal standards for environmental protection and occupational health and safety. The applicant shall identify all such standards and demonstrate how the building and operation will comply including identification of any related state or federal reporting, inspection and permitting requirements.
- (b) The design and construction of the shooting range shall completely confine all ammunition rounds within the building in a safe, controlled manner.
1. Compliance shall be demonstrated by plans, certified by an architect or engineer licensed or certified by the State of Wisconsin with demonstrated experience in indoor shooting range design.
  2. Compliance with the standards and recommendations of the most current versions of the Range Design Criteria of the U.S. Department of Energy, Office of Health, Safety and Security or the National Rifle Association Range Source Book shall be prima facie evidence of satisfaction of this condition. Under no circumstance shall the applicant be relieved of the obligation to comply with any requirement otherwise imposed by state, federal or local law.
  3. The plans shall specify the type and caliber of ammunition the shooting range is designed to confine. No ammunition shall be used, stored, sold, or possessed within the indoor shooting range that exceeds the certified design and construction specification for the shooting range.
- (c) The applicant shall demonstrate that the operation shall not be a nuisance to neighboring property or other likely neighboring property uses including nuisances related to air quality and noise.
- (d) A security plan shall be established for the building securing the building from unauthorized entrants as well as security for any firearms stored on the premises. No firearms shall be stored on the premises unless they are stored in a gun safe or other locked storage facility or container.
- (e) The shooting range shall establish clear rules and procedures for the health, safety and order of the operation, its employees and patrons consistent with accepted industry practices which shall be conspicuously posted at the shooting range.
- (f) On-site supervision of the range shall be provided at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for taking all reasonable actions to assure the conduct of employees and patrons and the conditions of health, safety and order of the shooting range comply with all related rules and procedures.
- (g) No person under the age of 18 shall be permitted within the shooting range unless accompanied by an adult at all times. This condition shall not apply to prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.

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- (h) Unless preempted by state or federal law, the Plan Commission may establish 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 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.
- (i) Minimum and maximum required parking: See Section 114.06.06.

(16) **Intensive Outdoor Activity:** Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, outdoor water parks, fairgrounds, private outdoor stadiums, go cart tracks, paint ball, racetracks, ski hills, outdoor shooting range and drive-in theaters.

Regulations:

- (a) No Intensive Outdoor Activity shall take place before 7:00 am or after 10:00 pm except as explicitly authorized by the conditional use process.
- (b) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
- (c) Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
- (d) Any activity area other than parking shall be set back a minimum of 100 feet from the property line.
- (e) Minimum and maximum required parking: See Section 114.06.06. The Zoning Administrator may require a parking study to determine parking requirements.

(17) **Office:** Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.

Regulations:

- (a) Minimum and maximum required parking: See Section 114.06.06.

(18) **Outdoor Commercial Entertainment:** Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include but are not limited to outdoor eating and drinking areas, sand volleyball courts, outdoor assembly areas, and outdoor swimming pools associated with another principal land use. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see Section 114.03.10(17)). Also see active outdoor recreation (Section 114.03.12(1)).

Regulations:

- (a) Customer entrances and outdoor activity areas shall be located a minimum of 50 feet from residentially zoned property.
- (b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the outdoor activity area abutting residentially zoned property.
- (c) Minimum and maximum required parking: See Section 114.06.06.

**Commented [SK25]:** Staff: Existing code has outdoor shooting range defined. We have it under the umbrella of Intensive Outdoor Activity.

**Commented [SK26]:** Staff: Existing code has multiple different examples of office land uses defined. They are all included in one definition of office now.

## Section 114.03.10: Commercial Land Uses

- (19) **Outdoor Sales and Display:** Land uses where the sale and display of merchandise or equipment is conducted outside of an enclosed building on more than a temporary basis. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, and manufactured and mobile housing sales. If the permanent Outdoor Sales and Display area is less than the equivalent of 25% of the total gross square footage of the building and is secondary to an Indoor Sales or Service use, such use shall instead be considered Incidental Outdoor Sales and Display under [Section 114.03.28\(12\)](#). Outdoor Sales and Display on a temporary basis shall be regulated by Temporary Outdoor Sales under [Section 114.03.30\(7\)](#). Also see Vehicle and Boat Sales ([Section 114.03.10\(23\)](#)).

## Regulations:

- (a) The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.
  - (b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (c) The display of items shall not be permitted in required setback areas, landscape areas, or bufferyards, unless located in a parking lot.
  - (d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under [Section 114.03.22\(4\)](#), shall not be displayed.
  - (e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by subsection (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
  - (f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - (g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.
  - (h) Outdoor Sales and Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
  - (i) Minimum and maximum required parking: See [Section 114.06.06](#).
- (20) **Outdoor Maintenance Service:** Facilities where maintenance and repair service are provided and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

## Regulations:

- (a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high, solid fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.
- (b) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under [Section 114.03.22\(4\)](#), shall not be displayed.

## Section 114.03.10: Commercial Land Uses

(c) Minimum and maximum required parking: See Section 114.06.06.

- (21) **Personal or Professional Service:** Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services, as defined by the Incidental Light Industrial accessory use (see Section 114.03.28(10)).

Regulations:

(a) Minimum and maximum required parking: See Section 114.06.06.

- (22) **Vehicle and Boat Sales:** The sale and display of vehicles or boats for sale or rent outside of an enclosed building. Such land uses shall also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

- (a) The display of vehicles shall not be permitted in green space areas, landscaped areas, or required bufferyards.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under Section 114.03.22(4), shall not be displayed.
- (e) Minimum and maximum required parking: See Section 114.06.06.

- (23) **Vehicle Service and Repair:** Facilities where vehicle service or repair is provided entirely within an enclosed building, including unlicensed or inoperable vehicles used for spare parts.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside areas fully screened by a solid fence. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
- (d) Minimum and maximum required parking: See Section 114.06.06.

- (24) **Water-Related Recreation:** Water-related recreational facilities such as marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, boat liveries and rentals, and boat repair and maintenance facilities, including gasoline pumps for marine use.

Regulations:

## Section 114.03.11: Reserved

- (a) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (b) Outdoor storage of unlicensed or inoperative vehicles or boats is prohibited. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
- (c) Minimum and maximum required parking: See [Section 114.06.06](#).

**Section 114.03.11: Reserved****Section 114.03.12: Institutional Land Uses**

- (1) **Active Outdoor Recreation:** Recreational land uses which involve active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, and similar land uses.

## Regulations:

- (a) Each location shall have appropriate hours of use and comply with the noise provisions of [Article VI](#) Performance Standards.
  - (b) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
  - (c) All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and baseball backstops shall be located a minimum of 20 feet from any residentially zoned property.
  - (d) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
  - (e) Minimum and maximum required parking: See [Section 114.06.06](#).
  - (f) An Active Outdoor Recreation Land Use that includes the following is required to obtain a Conditional Use Permit ([114.10.32](#)):
    1. Any on-site exterior lighting that exceeds 10.0 foot-candles.
- (2) **Community Living Arrangement (1-8 Residents):** Facilities provided for in Wis. Stats. § 62.23(7)(i), including community living arrangements for adults as defined in Wis. Stats. § 46.03(22), community living arrangements for children as defined in Wis. Stats. § 48.743(1), foster homes as defined in Wis. Stats. § 48.02(6), and adult family homes and community-based residential facilities (CBRFs) as defined in Wis. Stats. § 50.01(1g).

Community Living Arrangements do not include Boarding Houses, Group Daycare Centers, nursing homes, homeless shelters, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. § 62.23(7)(i)1.-5., provided any such regulations do not violate federal or state housing or anti-discrimination laws.

## Regulations:

- (a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.

## Section 114.03.12: Institutional Land Uses

- (b) The total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population. The Zoning Administrator shall make this determination.
- (c) Foster homes housing four or fewer children and licensed under Wis. Stats. § 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
- (d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.
- (e) Minimum and maximum required parking: See Section 114.06.06.
- (f) Driveways shall be considered legal "stacked" parking spaces, provided that each parking space is no less than 8 feet in width and 18 feet in depth. A driveway may contain one or more legal parking spaces.
- (g) Any application is required to disclose in writing the capacity of the community living arrangement proposed.
- (3) **Community Living Arrangement (9-15 Residents):** See description under Subsection (2), above.  
Regulations:
- (a) See Regulations under Section (114.03.12(2)), above.
- (4) **Community Living Arrangement (16+ Residents):** See description under Subsection (2), above.  
Regulations:
- (a) See Regulations under Section (114.03.12(2)), above.
- (5) **Indoor Institutional:** Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, places of worship, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses (ex. funeral homes), jails, prisons, and similar land uses.  
Regulations:
- (a) An off-street passenger loading area shall be provided if the majority of the users will be children or seniors (as in the case of a school, place of worship, library, or similar land use).
- (b) Minimum and maximum required parking: See Section 114.06.06.
- (6) **Institutional Residential:** Residential development designed to accommodate Institutional Residential land uses, such as convents, monasteries, dormitories, fraternities, sororities, senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convalescent homes, limited care facilities, rehabilitation centers, homeless shelters (with or without meal service), and similar land uses not considered to be Community Living Arrangements under Sections 114.03.12(2-4) of this ordinance or under the provisions of Wis. Stats. § 62.23.  
Regulations:
- (a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
- (b) **Minimum required parking:** The following specific parking requirements may apply.
1. Public or private dormitory: Determined by the Plan Commission.
  2. Monastery or convent: Determined by the Plan Commission.

**Commented [SK27]:** Staff: because institutional residential developments vary significantly in scale, design, and operation, applying a uniform parking standard may not be appropriate.

## Section 114.03.12: Institutional Land Uses

3. Assisted living facility or limited care facility: Determined by the Plan Commission.
4. Nursing home or hospice: Determined by the Plan Commission.

- (7) **Large Scale Public Services and Utilities:** Large scale facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public or private utility substations, water towers, well houses, and similar land uses involving buildings or fenced enclosures. This does not include uses listed under Small Scale Public Services and Utilities ([Section 114.03.12\(9\)](#)).

## Regulations:

- (a) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property.
  1. The siting of any new sewage treatment facility is subject to the required separation distances per NR 110.15(3)(d), unless a waiver is obtained through the Wisconsin Department of Natural Resources.
- (b) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of [Article VII](#).
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).

- (8) **Outdoor Open Space Institutional:** Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.

## Regulations:

- (a) Minimum and maximum required parking: See [Section 114.06.06](#).

- (9) **Passive Outdoor Recreation:** Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

## Regulations:

- (a) Minimum and maximum required parking: See [Section 114.06.06](#).

- (10) **Small Scale Public Services and Utilities:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies and private utilities, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater detention or conveyance, or other comparable utilities. Small Scale Public Services and Utilities include such above-surface facilities as poles, guy wires, fire alarm boxes, water hydrants, lift stations, utility posts, police call boxes, cabinets, vaults, and standpipes. This land use category does not include larger utility facilities included under Large Scale Public Services and Utilities ([Section 114.03.12\(7\)](#)), such as electric substations, wastewater treatment plants, well houses, and water towers.

## Regulations:

- (a) Small-Scale Public Services and Utilities are exempt from density, intensity, and bulk regulations.
- (b) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property. Does not include landscaping or storm water detention facilities.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of [Article VII](#).
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).

**Section 114.03.13: Reserved****Section 114.03.14: Industrial Land Uses**

- (1) **Data Center:** A completely enclosed facility that houses technology infrastructure such as servers, storage, and networking equipment to process, manage, and store data. Supporting equipment typically includes cooling systems, power infrastructure and generation, and security systems for on-site activities. Minor data centers are defined as those with less than 20,000 gross square feet of building area, a maximum peak electrical demand of less than 5 megawatts (MW), and with no on-site electrical substations. Minor data centers are regulated as light industrial land uses.

Regulations:

- (a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - (b) Utility plans and operational capacity needs regarding water, electricity, fiber, and cooling systems shall be provided and reviewed by the Director of Public Works to determine if there is sufficient capacity.
  - (c) A noise, traffic, utility, or similar impact study may be required as determined by the Zoning Administrator or Plan Commission.
  - (d) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all borders of the property abutting properties which are not zoned HI.
  - (e) All buildings shall be located a minimum of 250 feet from residentially zoned property.
  - (f) Minimum and maximum required parking: See [Section 114.06.06](#).
- (2) **Heavy Industrial:** Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: fruit, vegetable, grain, dairy, and meat product producer and by-product producers; slaughterhouses; tanneries; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; plastic refinement and raw plastics material production; petroleum and coal product producers; asphalt, concrete or cement producers; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Wis. Stats. § Chapter 125.

Regulations:

- (a) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements. All on-site outdoor activity, excluding Outdoor Sales and Display, areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (b) All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property and shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.

**Commented [SK28]:** Plan Commission: This creates a new land use for heavier scale data centers allowing us to regulate them separately from other industrial land uses. There is a separate allowance for minor data centers to be treated as light industrial land uses. In the Table of Land Uses (Article III) - Data Centers are allowed only in the IOA zoning district.

## Section 114.03.14: Industrial Land Uses

- (c) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (d), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - (d) A taller building height of up to 130 feet may be allowed by-right, if the portion of the building exceeding the standard height maximum is setback from all property lines a minimum distance of 75% of its height.
  - (e) Minimum and maximum required parking: See Section 114.06.06.
- (3) **Indoor Food Production and Processing:** Any business whose principal activity is the growing, production, or wholesaling of products that are either grown or stored on-site or shipped to the site for indoor production purposes. This land use also includes the following activities: the seasonal display of plants and related products outdoors; the farming of aquatic plants and animals under controlled conditions utilizing recirculating (closed) system technology; and aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system. This land use does not include Heavy Industrial uses (Section 114.03.14(2)) such as slaughterhouses or other related production uses that may have the potential to create certain nuisances which are detectable at the property line or may involve materials which pose a significant safety hazard.

## Regulations:

- (a) Outdoor activity regulations.
  - 1. No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements. All on-site outdoor activity, excluding Outdoor Sales and Display, areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
  - 2. All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property and shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.
  - 3. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (e), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - 4. Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - 5. Outdoor storage areas equivalent to 10 percent of the gross building floor area or up to 1,000 square feet, whichever is less shall comply with the requirements of Incidental Outdoor Storage under Section 114.03.28(11). Any outdoor storage areas exceeding those metrics stated above shall comply with the requirements of Outdoor Storage and Wholesaling as a principal use under Section 114.03.16(2).
  - 6. Outdoor display areas equivalent to 25% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under

## Section 114.03.14: Industrial Land Uses

Section 114.03.28(12). Outdoor display areas exceeding those metrics stated above shall comply with the requirements of Outdoor Sales and Display as a principal use under Section 114.03.10(20).

7. The on-site retail sale of goods shall be considered Incidental Indoor Sales subject to the provisions of Section 114.03.28(9), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed those metrics stated above shall be considered an Indoor Sales or Service principal land use under Section 114.03.10(15).
- (b) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line. All farming of aquatic plants and animals shall take place entirely within an enclosed building.
1. Prior to any approvals for the operation, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the City of Columbus Public Works Department.
  2. Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (c) On-site composting shall be permitted, subject to the following regulations:
1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
  2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (d) Minimum and maximum required parking: See Section 114.06.06.
- (4) **Light Industrial:** Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to: contractor shops, manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, food or related products, motorized equipment assembly, production of plastic products and components from plastics pellets and related material refined or produced off-site, mass-produced arts and crafts, and contractor shops for electrical, plumbing, HVAC, painting, plasters, and other similar trades. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 114.03.28(9) are complied with.
- Regulations:
- (a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - (b) A taller building height of up to 130 feet may be allowed by-right, if the portion of the building exceeding the standard height maximum is setback from all property lines a minimum distance of 75% of its height.
  - (c) Minimum and maximum required parking: See Section 114.06.06.
- (5) **Medium Industrial:** Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building, as determined by the Zoning Administrator. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include but are not limited to

**Commented [SK29]:** Plan Commission: New buildings and operational details sometimes require larger building sections --- interior automated cranes, etc. This could be brought down to something like 90' or 100' if that is more comfortable.

## Section 114.03.15: Reserved

manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 114.03.10(15) are complied with.

- (a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 114.03.16(2) or 114.03.28(13)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity.
  - (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - (c) Minimum required parking: See Section 114.06.06.
- (6) **Production Greenhouse:** Any business in which the principal activity is the growing and wholesaling of plants or plant byproducts such as flowers, shrubbery, trees, and horticultural and floricultural products (not including fruits and vegetables) that are grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

- (a) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (b) Outdoor display areas equivalent to 25% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under Section 114.03.28(12). Outdoor display greater than the equivalent to 25% of the total gross square footage of the building shall comply with the requirements of Outdoor Sales and Display as a principal use under Section 114.03.10(20).
- (c) Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (e) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Sales and Display areas abutting residentially zoned property.
- (f) Minimum and maximum required parking: See Section 114.06.06.

**Section 114.03.15: Reserved****Section 114.03.16: Storage Land Uses**

- (1) **Indoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building.

## Section 114.03.16: Storage Land Uses

Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail associated with this use shall be considered accessory uses per [Section 114.03.28\(9\)](#).

Regulations:

- (a) All new construction of any indoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 114.07.40](#)).
  - (b) Minimum and maximum required parking: See [Section 114.06.06](#).
- (2) **Outdoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
  - (b) Outdoor storage areas accessory to a principal land use and occupying up to 10 percent of the gross building square footage or up to 1,000 square feet, whichever is less shall be regulated as Incidental Outdoor Storage under [Section 114.03.28\(12\)](#).
  - (c) The storage of items shall not be permitted in landscaping areas, bufferyard areas, or green space areas.
  - (d) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (h). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - (e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
  - (g) All new construction of any outdoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 114.07.40](#)).
  - (h) Minimum and maximum required parking: See [Section 114.06.06](#).
- (3) **Personal Storage Facility:** Also known as “mini-warehouses,” these land uses are oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
- (b) All storage shall take place entirely within an enclosed building.
- (c) All new construction of any personal storage facility land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 114.07.40](#)).

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- (d) Minimum and maximum required parking: See Section 114.06.06.

**Section 114.03.17: Reserved****Section 114.03.18: Transportation Land Uses**

- (1) **Airport:** Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. Takeoffs and landings of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

- (a) The Airport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
- (b) The Airport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
- (c) All new construction of any airport land use shall meet the requirements of Industrial Land Use Design Standards (see Section 114.07.40).
- (d) Minimum required parking: Minimum and maximum required parking: See Section 114.06.06.
- (2) **Distribution Center:** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 114.03.28(9).

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
- (d) All new construction of any distribution center land use shall meet the requirements of Industrial Land Use Design Standards (see Section 114.07.40).
- (e) Minimum and maximum required parking: See Section 114.06.06.
- (3) **Freight Terminal:** Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

## Section 114.03.18: Transportation Land Uses

- (c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
  - (d) All new construction of any freight terminal land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 114.07.40](#)).
  - (e) Minimum and maximum required parking: See [Section 114.06.06](#).
- (4) **Heliport:** An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
- Regulations:
- (a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
  - (b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
  - (c) All new construction of any heliport land use shall meet the requirements of Industrial Land Use Design Standards (see [Section 114.07.40](#)).
  - (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (5) **Off-Site Parking Lot:** Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable and which serve a principal land use located on a separate lot. See [Section 114.06.06](#) for additional parking regulations.
- Regulations:
- (a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
  - (b) Parking lots shall comply with the landscaping requirements of [Article VIII](#).
  - (c) This land use is exempt from minimum height requirements in the [DMU zoning district](#).
- (6) **Off-Site Structured Parking:** Commonly referred to as a parking ramp or parking garage, Off-Site Structured Parking is a type of parking structure for the temporary parking of vehicles which are fully registered, licensed, and operable. Off-Site Structured Parking is a stand-alone, multi-level parking area in which one or more levels are supported above the lowest level. A parking structure may also include underground parking spaces. Parking structures that are incorporated into the same building as a separate principal land use shall be regulated as On-Site Structured Parking under [Section 114.03.28\(19\)](#) See [Section 114.06.06](#) for additional parking regulations.
- Regulations:
- (a) Parking structures may contain other commercial uses on the ground floor level. Such uses shall be limited to those permitted by right or by conditional use permit in the applicable zoning district.
  - (b) Parking structures must meet all applicable bulk requirements.
  - (c) Clearly-marked pedestrian connections between the parking structure and adjacent uses shall be required.
  - (d) Screening or other improvements that shield parked vehicles from view at each level of the parking structure shall be required.
  - (e) Parking structures shall comply with the landscaping requirements of [Article VIII](#).

## Section 114.03.19: Reserved

- (f) Exterior elevations shall be designed to minimize the use of blank concrete façades and shall have an architectural treatment that is compatible with the surrounding architectural context. Materials shall minimize glare in compliance with Section 114.06.34. Exterior elevations are encouraged to be designed to replicate the regular window pattern and other architectural elements of adjacent buildings. See Article VII.
- (7) **Transit Center:** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (c) All new construction of any transit center land use shall meet the requirements of Industrial Land Use Design Standards (see Section 114.07.40).
- (d) Minimum and maximum required parking: See Section 114.06.06.

## Section 114.03.19: Reserved

## Section 114.03.20: Telecommunication Land Uses

- (1) **Communication Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. For satellite dishes and antennas accessory to a principal use, see Section 114.03.28(21) and 114.03.28(25). Height shall be measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the mobile service support structure, supports, and equipment buildings.

## Regulations:

- (a) Applicability. This land use shall not be regulated or permitted as Small-Scale Public Services and Utilities, or Large-Scale Public Services and Utilities. This Section shall apply to the following:
1. New towers. All new towers shall be subject to these regulations.
  2. Preexisting towers. Preexisting towers shall not be required to meet the requirements of this Section, other than the requirements of Subsection (b) of this Section.
  3. Towers shall be considered principal uses. A different use on the same lot shall not preclude the installation of a tower on such lot.
  4. See Section 114.03.28(3) for Communication Antennas, an accessory land use typically associated with Communication Towers.
- (b) Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §101-31 et seq., National Electrical Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (c) Through both the site plan review process (Section 114.10.XX) and the conditional use process (Section 114.10.XX), the plan commission shall be responsible and have authority to hear, review, and act upon all proposed communication towers. Submittal and review procedure

## Section 114.03.20: Telecommunication Land Uses

requirements and other requirements specific to Communication Towers must be consistent with Wis. Stats. § 66.0404.

- (d) Permit Required. A permit is required for all new Communication Towers or modifications to existing Communication Towers. The permit application shall contain all of the following information:
1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation 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.
    - a. The application must also include a visual analysis, which may include an annotated photo montage, field mockup, or other technique prepared by or on behalf of the applicant which identifies the potential visual impacts, location, configuration, and the design capacity of the proposed facility to the satisfaction of the Plan Commission. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the impacts of the proposed facility and other existing telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed personal wireless services. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.
- (e) All service carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the City or outside the corporate limits from telecommunications facilities within the City, and all communication tower owners, shall register and provide to the City, pursuant to this ordinance, on forms to be provided by the Building Inspector and shall provide with each conditional use application the following information below. It shall be unlawful for any personal wireless services carrier or provider who offers or provides services within the City, or any communication tower owner who owns or operates telecommunications facilities within the City, to fail to register and provide the information required within thirty (30) days of such a request by the City.
1. The identity and legal status of the registrant, including any affiliates.
  2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.

## Section 114.03.20: Telecommunication Land Uses

3. A narrative and map description of registrant's existing telecommunications facilities within the City, adjacent cities, villages and townships.
  4. Such other information as the Building Inspector may reasonably require.
- (f) Placement Requirements.
1. Towers and guyed wires shall be set back from any property line a minimum distance equal to 100% of the height of the communication tower.
    - a. If an applicant provides an engineering certification showing that a proposed communication tower is designed to collapse within a smaller area than the setback area, the setback requirement is reduced in accordance with the findings of the engineering certification, unless the City provides the applicant with substantial evidence that the engineering certification is flawed.
  2. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings.
  3. No communication tower shall be installed closer than one-quarter mile from another communication tower, measured from the base of the tower to the base of the proposed tower, unless it is a tower situated on a multi-tower zoning lot, or credible evidence to a reasonable degree of certainty acceptable to the Plan Commission is submitted showing a clear need for said new tower and the infeasibility of co-locating it on an existing site. For the purposes of this requirement, exempt telecommunications facilities unavailable for co-location shall not be included in the one-quarter mile computation.
- (g) Structural Requirements. Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Wis. Admin. Code Chap. COMM 62.35 to 62.41, amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes, in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days or such time as determined by the Building Inspector to bring such tower into compliance with said codes. Failure to bring such tower into compliance within said 30 days or such time as determined by the Building Inspector shall constitute grounds for the removal of the tower or antenna at owner's expense.
- (h) Basic Tower and Building Design. All new communication towers, except exempt facilities as defined in subsection (i) below, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.
1. Communication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
  2. Telecommunication support facilities see (i) Equipment Buildings below.
  3. The City shall have the authority to require reasonable special design (materials, architectural features and color) of the communication tower where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).
  4. Communication towers shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
  5. Accessory communication antenna shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible.

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6. All new communication towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards above, a communication tower of such height to accommodate three antenna arrays is unwarranted. Multi-user communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the Plan Commission this will minimize overall visual impact to the community.
- (i) Equipment buildings. Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
  2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
  3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and/or is screened from view from adjacent roads and properties.
  4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential and commercial uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
  5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (j) Height Requirements.
1. Tower height shall be restricted to 200 feet. Zoning District height restrictions shall not apply to commercial communication towers.
- (k) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for two additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- (l) Advertising. No form of advertising or identification, or sign is allowed on the tower other than the customary manufacturer identification plate.
- (m) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority.
- (n) Fencing. A tower shall be enclosed by solid fencing not less than 6 feet in height or a bufferyard with a minimum opacity of 0.40 and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (o) Color. The wireless communication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the

## Section 114.03.21: Reserved

Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.

- (p) Abandonment.
1. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 365 days, the applicant shall remove the tower or transmitters upon request from the City.
  2. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.
  3. If unused facilities are not removed, the City may remove the items at the expense of the owner of the property upon which the tower was placed.
- (q) Exempt Facilities.
1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (r) Applications and Fees.
1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the City within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
  2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

**Commented [SK30]:** Staff: Do you want to exempt public safety facilities? This is written so it is pretty wide open. I've also seen examples where a public safety communication tower of less than 60 feet is exempt but everything above that would require the same CUP process as other non-exempt towers.

## Section 114.03.21: Reserved

## Section 114.03.22: Extraction and Disposal Land Uses

- (1) **Composting Facility:** Land uses devoted to the collection, storage, processing, and/or disposal of vegetation or food waste.

Regulations:

- (a) Composting facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
- (e) Minimum and maximum required parking: See Section 114.06.06.

- (2) **Extraction:** Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Regulations:

## Section 114.03.22: Extraction and Disposal Land Uses

- (a) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
  - (b) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  - (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
  - (d) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to the Counties of Columbia or Dodge.
  - (e) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third-party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually.
  - (f) Minimum and maximum required parking: See [Section 114.06.06](#).
- (3) **Indoor Recycling Facility:** Land uses providing indoor materials recycling services including materials unloading, materials storage, materials sorting, and materials shipping. This land use does not involve any outdoor activities.
- (a) Indoor Recycling facilities shall comply with all county, state, and federal regulations.
  - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  - (c) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
  - (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (4) **Salvage or Junkyard:** Lands or structures used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Service and Repair.
- Regulations:
- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property. A minimum 8-foot fence is required.
  - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
  - (c) In no instance shall activity areas be located within a landscaping or bufferyard areas.
  - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
  - (e) Minimum and maximum required parking: See [Section 114.06.06](#).
  - (f) Facility shall secure a salvage dealer license as required by the State of Wisconsin.

## Section 114.03.22: Extraction and Disposal Land Uses

- (5) **Sand and Mineral Processing:** Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that removes the desired product from the mineral or enhances the characteristics of the sand or mineral.

## Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  - (b) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all roads and lot lines.
  - (c) In no instance shall activity areas be located within a bufferyard area.
  - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
  - (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Counties of Columbia or Dodge.
  - (f) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third-party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually.
  - (g) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
  - (h) Minimum and maximum required parking: See [Section 114.06.06](#).
- (6) **Waste Disposal/Landfill:** Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. § 289.01(33), but not including Indoor Recycling or Composting operations.

## Regulations:

- (a) Waste Disposal/Landfill facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
- (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
- (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
- (f) A surety bond, in an amount equivalent to 125% of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the City Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. This amount shall be recalculated and a new bond shall be required biannually. The requirement for said surety is waived for waste disposal facilities owned by public agencies.

- (g) Minimum and maximum required parking: See Section 114.06.06.

### Section 114.03.23: Reserved

### Section 114.03.24: Energy Production Land Uses and Structures

- (1) **Large Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Large Solar Energy Systems are the only principal land use permitted on a property and are designed primarily to generate energy for commercial sale off-site. See Section 114.03.28(27) for Small Solar Energy Systems.
- (a) Rooftop, ground-mounted, and building-mounted large solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where a rooftop or building-mounted system exceeds the maximum height limit, the panel must be set back from the edge of the roof a minimum distance equal to or greater than the height of the panel.
- (b) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish, and color that is non-reflective.
- (c) All electrical connections shall be located underground or within a building.
- (d) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
- (e) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
1. A Landscaping Plan per Section 114.08.20 is required for the entire property. Native plantings and pollinators are encouraged to co-exist with Large Solar Energy Systems.
- (f) All access doors or access ways and electrical equipment shall be lockable.
- (g) A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:
1. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 114.10.43.
2. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
3. A standard foundation design along with specifications for the soil conditions at the site.
4. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
5. A description of emergency and normal shutdown procedures.
6. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Subsection.
7. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
8. Evidence of compliance with Federal Aviation Administration requirements.

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Section 114.03.25: Reserved

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9. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Zoning Administrator may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- (h) The requirements of Wisconsin Statutes, including but not limited to Wis. Stats. §§ 66.0401 and 66.0403, shall apply to all solar energy systems and in the evaluation of such requests. Solar energy systems are a conditional use.
  1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - c. Allows for an alternative system of comparable cost and efficiency.
- (2) **Large Wind Energy System:** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. Large Wind Energy Systems have a total installed nameplate capacity of more than 300 kW or consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.
  - (a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code PSC 128, as amended, and this Section.
  - (b) Wind energy systems are a conditional use in every district that they are permitted. The City will apply Wis. Stats. § 66.0401 and Wis. Admin. Code PSC Chapter 128, as amended, in the evaluation of such requests.
    1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
      - a. Serves to preserve or protect the public health or safety.
      - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
      - c. Allows for an alternative system of comparable cost and efficiency.

**Section 114.03.25: Reserved****Section 114.03.26: Agricultural Land Uses**

- (1) **Agricultural Service:** Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see [Section 114.03.22\(1\)](#)).

## Section 114.03.26: Agricultural Land Uses

## Regulations:

- (a) New Agricultural Service uses shall not be located in an existing or platted residential subdivision.
  - (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
  - (c) Once discontinued for a period of 365 days, Agricultural Service uses shall not be re-established except by the granting of a conditional use permit, and shall only be permitted in the Agricultural Zoning District.
  - (d) Minimum required parking: Minimum and maximum required parking: See [Section 114.06.06](#).
- (2) **Community or Market Garden:** Community or Market Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands where on-site sales of crops are permitted.

## Regulations:

- (a) Community and Market Gardens are permitted on lots of one acre in size or less. They are permitted to occur on lots with residential dwelling units as a standalone principal use or in combination with a residential dwelling unit principal land use as long as a Home Occupation permit is issued under [Section 114.03.28\(8\)\(q\) and \(r\)](#).
    - 1. All activity and garden areas, signs, and structures shall be located a minimum of 10 feet from the lot line.
  - (b) A site plan shall be submitted to the Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, park shelter, and availability of public parking.
  - (c) Accessory Buildings.
    - 1. The following structures are permitted in Community and Market Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
    - 2. A combined total of 1,200 square feet of gross floor area of tool sheds, shade pavilions, restroom facilities, and planting preparation houses are permitted on the property by right so long as all structures meet minimum setback requirements in Article [IV](#).
  - (d) Signs shall comply with the regulations of Article [IX](#).
  - (e) Fences shall comply with the regulations in Section [114.06.40](#).
  - (f) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
  - (g) Minimum and maximum required parking: [See Section 114.06.06](#).
- (3) **Cultivation:** Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site.

## Regulations:

## Section 114.03.26: Agricultural Land Uses

- (a) Cultivation is not permitted on buildable lots that have permanently constructed infrastructure such as water, sewer, stormwater, roads, or sidewalks.
- (b) Except in the Agricultural District, cultivation uses, once discontinued for a period of 12 months, shall not be reestablished except with the granting of a conditional use permit.
- (c) Minimum and maximum required parking: See [Section 114.06.06](#).
- (4) **Husbandry:** All operations primarily oriented to the on-site raising or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered Husbandry land uses. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds), in addition to [Residential/Accessory Beekeeping and Residential Chicken accessory land uses \(see \[Section 114.03.28\\(21\\)\]\(#\) and \[Section 114.03.28\\(22\\)\]\(#\)\)](#).

## Regulations:

- (a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
- (b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.
- (c) Except in the Agricultural District, husbandry uses, once discontinued for a period of 12 months, shall not be reestablished except with the granting of a conditional use permit.
- (d) Minimum and maximum required parking: See [Section 114.06.06](#).
- (5) **Intensive Agriculture:** All operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit per acre or agricultural activities requiring structures, equipment or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and other operations meeting this criterion.

## Regulations:

- (a) Intensive agriculture is prohibited.
- (6) **On-Site Agricultural Retail:** The sale of agricultural products grown exclusively on the site, not including those uses as defined under Community or Market Garden ([Section 114.03.26\(2\)](#)). The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations and shall be regulated as a distinct land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

## Regulations:

- (a) No structure or group of structures shall exceed 500 square feet in floor area.
- (b) No structure shall exceed 12 feet in height.
- (c) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
- (d) Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit.

**Commented [SK31]:** See definition for Residential / Accessory Beekeeping in the Accessory Land Uses section.

## Section 114.03.27: Reserved

- (e) The sale of products which are grown or otherwise produced on nonadjacent property under the same ownership, or on property under different ownership, shall be prohibited.
- (f) Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.
- (g) On-Site Agricultural Retail uses, once discontinued for a period of 365 days, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the Agricultural Zoning District.
- (h) Minimum and maximum required parking: See Section 114.06.06.

## Section 114.03.27: Reserved

## Section 114.03.28: Accessory Land Uses and Structures

- (1) **Accessory Dwelling Unit (ADU):** An Accessory Dwelling Unit (ADU) is a secondary, independent dwelling unit that provides complete living facilities, including provisions for living, sleeping, cooking, and sanitation. An ADU may be 1) located within or attached to a principal single-family dwelling, or 2) located within a detached accessory building on the same lot as a single-family dwelling. ADUs do not include In-Family Suites (Section 114.03.28(14)).

Regulations:

- (a) The following standards apply to all ADUs unless otherwise stated:
  1. No more than one ADU may be located on a lot.
  2. The number of occupants of the ADU shall not exceed one-family.
  3. An ADU shall not be subdivided or conveyed as a separately saleable parcel.
  4. The principal building or ADU must be occupied by the owner of the property as their primary residence for a period of at least ten (10) months in a calendar year.
  5. An ADU shall not exceed 800 gross square feet in floor area and shall not exceed the floor area of the principal dwelling unit.
  6. All ADU entrances located within a rear, side, or street-side yard shall be connected to a street frontage by a paved walkway or driveway.
  7. Minimum required off-street parking: None (Section 114.06.06).
  8. A separate address identifier is permitted.
  9. Separate utility meters are not permitted unless separate utility services are extended.
  10. A Zoning Permit is required pursuant to Section 114.10.41 prior to the establishment of any ADU.
  11. ADUs are exempt from the requirements of Section 90-X including parkland dedication, fees in-lieu of parkland dedication, and park improvement fees.
- (b) The following additional standards apply to an attached ADU, located within or attached to the principal dwelling:
  1. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
  2. Additional entrances shall not be added to the front elevation of an existing building but may be added to side, rear, or street side elevations.

**Commented [SK32]:** Plan Commission: This is proposed as a permitted use in residential districts and would be allowed wherever there is a principal SF home. Adjustments could be made to square footage, owner-occupancy requirements, setbacks for detached structures, etc.

## Section 114.03.28: Accessory Land Uses and Structures

- (c) The following additional standards apply to a detached ADU, located within a detached accessory building on the same lot as a single-family dwelling:
1. Detached ADUs shall comply with the accessory structure setback requirements, and all other applicable regulations of the underlying zoning district (**Article IV**), except that the maximum height of a detached building containing an ADU, including one built above a garage or similar space, shall be twenty-five (25) feet, and in no case may be taller than the principal building height.
  2. The detached accessory building shall be architecturally and aesthetically compatible with the principal dwelling. Compatibility shall include, but not be limited to, similar exterior materials, roof forms, and design elements.
- (2) **Communication Antenna:** Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including associated equipment buildings/cabinets.

## Regulations:

- (a) Applicability.
1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
  2. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
  3. Allowed as a permitted use in all zoning districts if the communication antenna meets all requirements in subsection (b) below.
- (b) General Requirements.
1. Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §10-31 et seq., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
  2. Co-Location of Communication Antennas on Communication Tower and Commercial Building: Antennas may be placed on commercial communication towers, and commercial, institutional, and industrial buildings.
    - a. Unless applicant is submitting an application to locate or co-locate upon an existing tower or structure, an analysis shall be prepared by or on behalf of the applicant; subject to the approval of the Plan Commission, which identifies all reasonable, technically feasible alternative locations and/or facilities which would be useable for the proposed personal wireless services. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental impacts, including aesthetics, of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the Plan Commission making a finding that the proposed site results in fewer or less severe environmental impacts, including aesthetics, than any feasible alternative site. The City may require independent verification by a qualified engineer of this analysis at the applicant's expense. Facilities which are not

## Section 114.03.28: Accessory Land Uses and Structures

proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

3. Height Requirements. Antenna height shall be restricted to 200 feet above grade when located on a commercial communication tower. Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.
  4. Alternative Structures. Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
  5. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
  6. Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
  7. Stealth requirements.
    - a. Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
    - b. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must for technical reasons. The antenna and cables on roofs shall not be visible from an adjacent public right-of-way.
- (c) Equipment buildings: Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
  2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
  3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and surrounded by a bufferyard with a minimum opacity of 0.40.
  4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
  5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district, and shall be located in the side or rear yards.
- (d) Exemption: If an applicant provides an engineering certification showing that a proposed communication tower is designed to collapse within a smaller area than the setback area, the setback requirement is reduced in accordance with the findings of the engineering certification, unless the City provides the applicant with substantial evidence that the engineering certification is flawed.
- (e) Abandonment.

## Section 114.03.28: Accessory Land Uses and Structures

1. The applicant shall provide a written agreement stating that if the antenna or transmitters are unused for a period exceeding 365 days, the applicant shall remove the antenna or transmitters upon request from the City.
  2. Within 30 days of the date on which the antenna use ceases, the permit holder shall provide the commission written notice of the cessation of use.
  3. If unused facilities are not removed, the City may remove the items at the expense of the owner of the property upon which the tower was placed.
- (f) Exempt Facilities.
1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (g) Applications and Fees.
1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the City within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
  2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.
- (3) **Company Cafeteria:** A food service operation which provides food only to company employees and their guests.
- Regulations:
- (a) Company Cafeterias shall meet state food service requirements.
  - (b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.
- (4) **Detached Residential Accessory Building:** Detached buildings accessory to a residential use including but not limited to buildings used to shelter parked passenger vehicles (including garages and carports), sheds and similar structures used to store residential maintenance equipment on the subject property, workshops, kennels, greenhouses, boathouses, and pool houses, per the Building Code. Such structures shall comply with the definition for Accessory Structure, Detached in [Section 114.11.01](#). See [Section 114.03.28\(1\)](#) for the requirements associated with an Accessory Dwelling Unit land use.
- Regulations:
- (a) Size. A combined total of 1,000 square feet of building footprint area for all detached accessory buildings on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of the building footprint area of all detached accessory buildings on the property shall be increased by one square foot for every 100 square feet of lot area over one acre. In no instance shall the detached accessory building area exceed the ground floor area of the principal building used for residence. Attached garages shall not count toward this total.
  - (b) Amount. A maximum total of three detached accessory buildings are permitted on a single lot and the combined total of all detached accessory buildings on the lot shall not exceed the maximum size requirements in (a) above.

Section 114.03.28: Accessory Land Uses and Structures

- (c) Height. See Sections 114.04.11 to 114.04.14 for detached accessory building maximum building heights.
  - (d) Location. Detached accessory buildings are permitted in the rear yard only, in compliance with minimum setback requirements for accessory structures in Section 114.04.11-114.04.14.
- (5) **Electric Vehicle Charging:** Includes all indoor and outdoor charging facilities for electric and hybrid electric vehicles. This land use is typically accessory to on-site parking, off-site parking, driveways, or indoor parking facilities.

Regulations:

- (a) Equipment. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards.
  - (b) Posted information. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
  - (c) Maintenance. Electric vehicle charging stations must be maintained in all respects, including functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning, or other problems are encountered.
  - (d) Electric Vehicle Charging in all residential zoning districts (see Article II) shall not be operated as a commercial venture and is limited to use only by residents and guests of residents. On any lot zoned SF-1, SF-2, or TF-1, Electric Vehicle Charging shall only occur indoors.
  - (e) Parking requirements for Electric Vehicle Charging can be found in Section 114.06.06(6).
- (6) **Farm Residence:** A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 114.03.26.
- (7) **Minor Accessory Structures and Obstructions:** Minor accessory structures are those features that are generally less than 16 feet in height and less than 120 sf in area and which, in the determination of the Zoning Administrator, are similar in size, character, and function to those listed. Obstructions are those features that are integral to or otherwise permanently attached to the principal structure. Other integral or attached features, which in the opinion of the Zoning Administrator are not similar to those listed in Figure 114.03.28a, shall comply with the principal building setbacks. See Section 114.11.01 for definitions of awning, balcony, canopy, deck, patio, porch, and recreational equipment.

Regulations:

- (a) No items listed below shall be located within the vision triangle or any established easements on the property.

Figure 114.03.28a: Minor Accessory Structure Standards

Minor Accessory Structures Permitted in Required Yard Setbacks					
Minor Accessory Structures and Obstructions	Front	Street Side	Side	Rear	Limitations
Structure Types					
Arbor/Trellis	√	√			Not more than 15 feet in height covering less than 10% of required setback.
Arbor/Trellis			√	√	Not more than 15 feet in height covering less than 50% of required setback.

**Commented [SK33]:** Based on December 2025 PC comments, Allowances for accessory taller buildings are included but then it must meet setbacks for Principal Building.

See Article IV Bulk Dimensions Table: Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot.

Minor Accessory Structures Permitted in Required Yard Setbacks					
Minor Accessory Structures and Obstructions	Front	Street Side	Side	Rear	Limitations
Awning/Canopy	√	√	√	√	Within the DMU zoning district, awnings and canopies may extend from the attached façade into the right-of-way up to 5 feet and shall be a minimum of 8 feet above grade with a Zoning Permit. Also, see Article IV for maximum encroachment standards.
Basketball Hoop	√	√	√	√	Not more than 15 feet in height. Concrete must be 5 feet from property lines and out of all easements.
Balcony	√	√	√	√	See Article IV for maximum encroachment standards.
Bay Window/Balcony	√	√	√	√	See Article IV for maximum encroachment standards.
Birdbath, Birdhouse, or Birdfeeder	√	√	√	√	
Chimney	√	√	√	√	See Article IV for maximum encroachment standards.
Clothesline				√	Not more than 7 feet in height.
Decorative Pond		√	√	√	
Deck (detached from the principal structure)			√	√	Must comply with all accessory structure setbacks.
Deck (attached to the principal structure)			√	√	Must comply with all principal structure setbacks.
Eaves and Gutter	√	√	√	√	See Article IV for maximum encroachment standards.
Egress Window	√	√	√	√	See Article IV for maximum encroachment standards.
Fire Escape	√	√	√	√	See Article IV for maximum encroachment standards.
Flagpole	√	√	√	√	Not more than 20 feet in height. Must be a minimum of 5 feet from the property line.
Fountain	√	√	√	√	Not more than 5 feet in height, no closer than 3 feet to any property line and no more than 20 square feet, which includes the water feature and supporting structure.
Garden, Residential Composting, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale				√	See landscaping requirements in Section 114.08.30 and bioswale/raingarden requirements in Section 114.08.50.
Natural Landscaped Native Plant Pollinator Habitat Areas	√	√	√	√	See Section 10.03 “Weeds and Grass”
Gazebo/Picnic Shelters/Pergola			√	√	Not more than 15 feet in height and no larger than 120 square feet.
Greenhouse			√	√	Must comply with all accessory setbacks.
Little Food Pantry	√	√			Not more than 5 feet in height, no larger than 4 square feet.
Little Library	√	√			Not more than 5 feet in height, no larger than 4 square feet.
Mechanical Equipment			√	√	
Outdoor Kitchen				√	Must comply with all accessory setbacks.
Patio			√	√	Not more than 1 foot above established grade. Must comply with all pavement setbacks.
Paved Play Court (basketball, tennis, pickle ball, etc.)				√	Must comply with all accessory structure setbacks.
Picnic Table/Bench	√	√	√	√	
Porch	√	√	√	√	See Article IV for porch setback standards and maximum encroachment standards.
Recreational Paved Path/Boardwalk/Platform	√	√	√	√	Minimum pavement setbacks apply.
Refuse Enclosure			√	√	All dumpsters shall be screened on four sides with a solid fence, wall, or gate 6 feet in height.
Seasonal Decorations	√	√	√	√	Not displayed longer than 90 days.

Minor Accessory Structures Permitted in Required Yard Setbacks					
Minor Accessory Structures and Obstructions	Front	Street Side	Side	Rear	Limitations
Statue/Art Objects	√	√	√	√	Not more than 5 feet in height with a footprint no larger than 20 square feet.
Stoop/Landing	√	√	√	√	Must comply with all accessory structure setbacks.
Swimming Pools				√	See Section 114.06.42 for requirements.
Swing Set/Play Equipment		√	√	√	Not more than 16 feet in height and covering no more than 200 square feet.
Trehouse				√	No more than 20 feet in height.
Walkways/Steps	√	√	√	√	Not more than 1 foot above grade. Minimum pavement setbacks apply.

(8) **Home Occupation:** Economic activities performed within a principal or accessory residential dwelling unit that do not significantly alter the residential character of the dwelling unit, dwelling structure, or the parcel and are secondary and incidental. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are those that include on-site customers or non-resident employees and are limited to low intensity businesses and businesses with limited overlap of customer visits. As of the adoption of this ordinance, any existing Home Occupation land use is a legal conforming land use.

Regulations:

- (a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or the enclosed area of a residential accessory building or garage.
- (b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (c) No more than two clients shall be seen at any given time.
- (d) No Home Occupations shall have a non-resident employee or clients between the hours of 7:00 p.m. and 8:00 a.m.
- (e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a residential dwelling unit. For Home Occupation Sign requirements see [Figure 114.09.11\(3\)](#).
- (f) No structural alterations or construction involving features not customarily found in dwellings are allowed.
- (g) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (h) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.
- (i) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (j) No vehicle larger than a 3/4-ton capacity truck or van that is used in conjunction with a home occupation shall be parked on the premises.

**Commented [SK34]:** Existing code Section 114-106 deals with Home Occupations. Both versions have the same intent but this adds some detail on things like number of clients, hours of operation, parking of contractor trucks, and specific uses that are **not** allowed as home occupations. Existing code has these as a conditional use in all districts. Draft recommends permitted use. I am recommending no additional license/permit review.

## Section 114.03.28: Accessory Land Uses and Structures

- (k) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.
- (l) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 25 percent of the principal structure or 600 square feet, whichever is less.
- (m) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.
- (n) The following activities shall not be permitted as home occupations:
  - 1. Any repair of motorized vehicles, other than those titled to that site, including the painting or repair of automobiles, trucks, trailers, boats, motorbikes, motorcycles, snowblowers, or lawn equipment.
  - 2. Commercial animal boarding (Section 114.03.10(5)).
  - 3. Commercial animal daycare (Section 114.03.10(6)).
  - 4. Indoor commercial entertainment
  - 5. Funeral chapels or homes, crematoria, mausoleums
  - 6. Medical or dental clinics, provided that nothing in this chapter shall prohibit the performance of house calls or emergency medical services in a residential dwellings.
  - 7. Any facility where products are manufactured, produced or assembled when the home occupation operator is not in the retail sale for such products.
  - 8. Indoor shooting range/ sale of firearms or ammunition
  - 9. Industrial land uses
  - 10. Contractor businesses, including general construction, landscaping, and all other building trades, if the conduct of such business includes any of the following:
    - a. Delivery of business goods or materials, other than office supplies, to the premises;
    - b. On-premises assembly and/or storage of goods and materials utilized in the operation of such business; or
    - c. Use of the premises as a rendezvous point, meeting area, or vehicle parking area for off-premises employees.
- (9) **Incidental Indoor Sales:** Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Indoor Storage and Wholesaling on the same site.  
Regulations:
  - (a) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
  - (b) Minimum required parking: See Section 114.06.06.
- (10) **Incidental Light Industrial:** Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.  
Regulations:

## Section 114.03.28: Accessory Land Uses and Structures

- (a) The total area devoted to light industrial activity shall not exceed 50 percent of the total area of the buildings on the property.
  - (b) Minimum required parking: See Section 114.06.06.
- (11) **Incidental Outdoor Commercial Entertainment:** Land uses which provide outdoor commercial entertainment which is incidental to a principal land use on the same site.
- Regulations:
- (a) The total area devoted to outdoor commercial entertainment activity shall not exceed 25% of the total area of the buildings on the property.
  - (b) Customer entrances and activity areas shall be located a minimum of 50 feet from residentially zoned property.
  - (c) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the outdoor activity area abutting residentially zoned property.
  - (d) Minimum and maximum required parking: See Section 114.06.06.
- (12) **Incidental Outdoor Sales and Display:** The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.
- Regulations:
- (a) Incidental Outdoor Sales and Display land uses shall comply with all regulations of Section 114.03.10(20).
  - (b) The display area shall not be greater than the equivalent to 25% of the gross floor area of the building. Display area in excess of equivalent to 25% of the gross floor area of the building shall be considered Outdoor Sales and Display as a principal use under Section 114.03.10(20).
  - (c) The outdoor display areas shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (d) The display of items shall not be permitted in required setback areas, landscape areas, or bufferyards, unless located in a parking lot.
  - (e) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under Section 114.03.22(4), shall not be displayed.
  - (f) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by subsection (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
  - (g) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - (h) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.
  - (i) Incidental Outdoor Sales and Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.

## Section 114.03.28: Accessory Land Uses and Structures

- (13) **Incidental Outdoor Storage:** Outdoor storage which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

- (a) All open storage areas and open containers shall be fully screened from view by a wall and a solid gate made of wood or similar material. The exterior of the wall must match the materials and color of the principal structure and shall be a minimum of 8 feet in height.
- (b) The storage area shall not exceed 10 percent of the gross building floor area or up to 1,000 square feet, whichever is less. Storage area in excess of 10 percent of the gross building floor area or 1,000 square feet shall be regulated as Outdoor Storage and Wholesaling under [Section 114.03.16\(2\)](#).

- (14) **In-Family Suite:** An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external entries serving as the primary or only access to the In-Family Suite are prohibited. In-family suites shall not be regulated as Accessory Dwelling Units ([Section 114.03.28\(1\)](#)).

Regulations:

- (a) In-Family Suites may not be occupied by a non-family member.
- (b) The maximum floor area cannot exceed 20% of the existing dwelling unit's finished habitable area.
- (c) In-Family Suites shall be considered and regulated as part of a single-family dwelling unit.
- (d) The principal dwelling unit and the In-Family Suite shall together appear as a single-family dwelling.
- (e) A separate walled garage area or driveway is not permitted.
- (f) A separate address for the In-Family Suite is not permitted.
- (g) A separate utility connection or meters are not permitted.
- (h) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.
- (i) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.

- (15) **In-Home Daycare:** Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. Wis. Stats. § 66.1017(1)(a).

- (16) **Migrant Employee Housing:** Migrant Employee Housing includes any facility subject to the regulation of Wis. Stats. § 103.90(3)(a).

Regulations:

- (a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed-use zoning districts.

## Section 114.03.28: Accessory Land Uses and Structures

- (b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.
- (17) **Nonresidential Accessory Structure:** Structures primarily used to shelter business vehicles or to store maintenance equipment for the subject property.

## Regulations:

- (a) The combined floor area of all structures shall not exceed the floor area of the principal building on the parcel.
- (b) See Sections 114.04.11 to 114.04.14 for accessory structure maximum building heights and setbacks.
- (c) All nonresidential accessory structures must meet the design requirements of the principal land use on the site. See Article VII.
- (18) **On-Site Parking Lot:** On-Site Parking Lots are any areas located on the same site as the principal land use which are used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. See Section 114.06.06 for additional parking regulations.

## Regulations:

- (a) Access and vehicular circulation shall be designed to prevent cut-through traffic.
- (b) This land use is exempt from minimum height requirements in the DMU zoning district.
- (19) **On-Site Structured Parking:** Structured parking which is accessory to a principal land use such as Apartments, Office, Mixed-Use Buildings, and other permitted land uses in the zoning district, and which is incorporated into the same building as the principal land use. Stand-alone structured parking that is not integrated with another land use shall be regulated as Off-Site Structured Parking, a principal use under Section 114.03.18(6). See Section 114.06.06 for additional parking regulations.

## Regulations:

- (a) On-Site Structured Parking shall be fully enclosed on all sides within the structure. Vehicle parking is permitted within the ground floor of the structure as long as the nonresidential land use requirements for ground floors of Mixed-Use Buildings are met (see Section 114.03.08). Ground floor parking and access to Ludington St. and E James St. is prohibited.
- (20) **Personal Antenna and Towers:** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure, supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

## Regulations:

- (a) In the SR-1, SR-2, MF-1 districts, there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.
- (b) In all districts, freestanding towers with antennas may not be located in a front yard or street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less.
- (c) The minimum required setback for freestanding towers with antennas shall be equal to the combined height of the tower and antenna.
- (d) Towers are restricted to 50 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.

**Commented [SK35]:** Limitations on structured parking facing the downtown core.

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- (e) Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
- (f) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited.

(21) **Residential/Accessory Beekeeping:** The assembly of one or more colonies of honeybees on a single residential lot.

Regulations

- (a) No bees shall be intentionally kept and maintained other than honeybees.
- (b) No more than six hives may be kept on a single parcel and no hive shall exceed 20 cubic feet in volume.
- (c) Hives are not allowed on residential lots containing two (2) or more dwelling units unless units owning honeybees have a fully fenced, private backyard.
- (d) No hive shall be located closer than five feet from any property line bordering a property in different ownership or occupied by a different person.
- (e) No hive shall be located closer than 10 feet from a public right-of-way or 25 feet from a principal building on an abutting property of different ownership or occupied by a different person.
- (f) A constant supply of water shall be provided for all hives on the property.
- (g) A flyway barrier at least 6 feet in height shall shield any part of a property line with a property in different ownership or occupied by a different person that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof and shall be a minimum of 10 feet in width. The barrier shall further comply with any applicable fence regulations contained in **this Chapter**.
- (h) If honeybees are to be kept on a lot by a person other than the lot owner (i.e. a tenant), the lot owner must give consent in writing to the keeping of honeybees on the lot as part of the application set forth below.
- (i) All properties keeping bees are responsible for compliance with any reporting requirements to the Department of Agriculture, Trade, and Consumer Protection.
- (j) A person seeking to keep bees shall apply for a Beekeeping Permit and comply with all of the following:
  1. An application for a permit to construct, erect, alter, remodel, or add a hive or flyway barrier shall be submitted in writing to the Zoning Administrator for approval before any work begins.
  2. No work or any part of the work shall be commenced until a written permit for such work is obtained.
  3. Beekeeping permits shall be revoked if the applicant has been notified of being in violation of this Chapter or the Beekeeping Permit and fails to take corrective action within six (6) months of receiving notification.

(22) **Residential Chickens:** The keeping of chickens including accommodating and raising chickens, defined as a domestic fowl of the subspecies Gallus gallus domesticus, in covered enclosures (coops)

**Commented [SK36]:** Plan Commission: This is a new land use. Suggesting to use a permit (approved administratively) to have a similar approach for chickens. Also allowed in industrial/business.

**Commented [SK37]:** Plan Commission: Staff reviewed this and would like to keep the City's current regulations in Section 14-19. This section will be amended to reference that Section and all of the content would be removed.

I understand the current rules have been updated to allow 8 chickens. A license is required which is approved administratively. The licensing requirement will be retained.

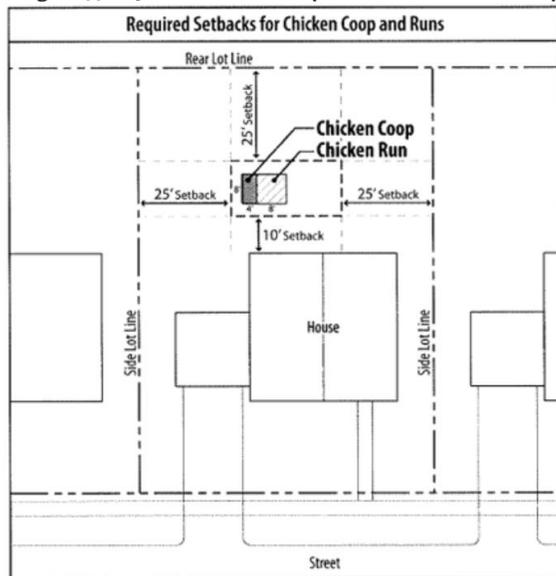
## Section 114.03.28: Accessory Land Uses and Structures

and fenced enclosures (runs). The keeping of chickens shall comply with Section 14-19. of the City of Columbus Municipal Code.

Regulations.

- (a) Chickens shall be permitted on lots where the principal structure is a detached single-family residence. If the residence is not owner-occupied, the tenant shall supply the owner's written consent to the keeping of chickens on the property to the City.
  - 1. Chickens shall be permitted on lots where the principal structure is an owner-occupied two-family duplex.
  - 2. Chickens shall not be permitted on a lot where the duplex is not owner-occupied, triplexes or any other higher-density residential dwelling units.
- (b) A maximum of eight chickens may be kept per residential lot.
- (c) Keeping roosters is prohibited.
- (d) The sale of chickens, chicken meat, eggs or other chicken by-products is prohibited.
- (e) Chickens coop and run required.
  - 1. Chickens shall be provided with a chicken coop (i.e., a covered roosting area) and an adjacent chickens run (i.e., enclosed area in which chickens are allowed to roam).
  - 2. Chickens shall be kept in the coop or chicken run at all times unless the yard is fully fenced.
  - 3. The coop shall be a stand-alone structure located in the rear yard at least 25 feet from all property lines and at least 10 feet from the principal structure.
  - 4. The coop shall not exceed 32 square feet in area nor 10 feet in height.
  - 5. The chicken run shall be located adjacent to the coop and shall be at least 25 feet from all property lines and at least 10 feet from the principal structure.
  - 6. The chicken run shall not exceed 64 square feet in area and the fence surrounding it shall be between 48 and 96 inches in height.
  - 7. Chickens shall not be permitted in any other structure on the lot, including garages, basements and attics unless the property owner demonstrates that the alternative location is temporary due to inclement weather or other reason.
- (a) Permit.
  - 1. No owner or occupant shall keep chickens without the prior issuance of a chicken keeping permit and a residential building permit for the chicken coop and run by the City of Columbus.
  - 2. Prior to issuance of a permit by the City, the applicant shall provide the City with proof of notification to all abutting property owners of the presence of chickens.
    - a. In the instance of an owner-occupied two-family duplex, the tenant must provide the City with the owner's written consent to the presence of chickens along with proof of notification to all abutting property owners.
  - 3. Prior to issuance of a permit by the City, the applicant shall provide proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection.
  - 4. The City may revoke the permit if two or more substantiated violations of the City of Columbus Code are received by the City within a twelve-month period.
- (b) Chickens are defined as females of the subspecies *Gallus gallus domesticus*.

Figure 550.03.28a: Chicken Coop and Run Site Plan Example



- (23) **Residential Kennel:** An enclosed structure designed for the keeping of dogs that is accessory to a residential use.

Regulations:

- (a) A maximum of any combination of two dogs and/or cats (over six months of age) are permitted by right for any one residential unit. Any residence housing a number of dogs and/or cats exceeding this number shall be considered a residential kennel. Such a kennel (dogs only) shall require licensing by the City. All dogs must be licensed. See [Chapter 12](#) of the City of Columbus Municipal Code.
- (b) For any number over three animals, a maximum of one additional animal per five acres shall be permitted.
- (c) Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties with a minimum bufferyard of 0.2.

- (24) **Residential Stable:** An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.

Regulations:

- (a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
- (b) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.

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- (c) A maximum of one horse per five acres of fully enclosed (by fencing or structures) area is permitted.
- (d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- (25) **Satellite Dish:** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private use.
- Regulations:
- (a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.
- (b) In the SF-1, SF-2, TF-1, MF-1, MF-2 and MH-1 districts satellite dishes 3 feet in diameter and larger may only be located in rear yards or on the roof of a detached structure, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
- (c) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings so long as the roof side does not face a street frontage, or in side or rear yards; but shall not be located in street or front yards.
- (d) No advertising or graphic designs exceeding 1 square foot are permitted on satellite dishes in any zoning district.
- (e) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this Chapter, the Board of Zoning Appeals may grant a variance to allow the placement of a satellite dish in any location.
- (26) **Short-Term Residential Rental:** Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses (Section 114.03.06(2)) or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ACTP § 73.
- (a) Definitions.
1. Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment.
- (b) Permitted by Right: All zoning districts.
1. Land Use Requirement: Short-Term Residential Rental shall only be located as an Accessory Land Use to a Residential Land Use as defined in Section 114.03.06.
  2. City License Required: Each Short-Term Residential Rental shall operate only with a City of Columbus Short-Term Residential Rental License. Operating a Short-Term Residential Rental without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 114.10.60. The following information shall be provided, prior to the issuance of said City of Columbus Short-Term Residential Rental License:
    - a. Completed City of Columbus Short-Term Residential Rental Application, which includes the property owner's contact information; the designated operator's contact information; and emergency contact information;
    - b. Sales tax. The applicant has a Wisconsin Department of Revenue Sales Tax Number.

**Commented [SK38]:** Plan Commission: STRs must be allowed in a residential dwelling unit per state law. Here is updated language to regulate them. There is a license requirement. Do you want to require a local license?

## Section 114.03.28: Accessory Land Uses and Structures

- c. Occupancy. Occupancy is limited to the maximum occupancy provided in Wis. Adm. Code § ATCP 72.14(2)(b). In no case shall the use have more than two occupants per bedroom.
  - d. Insurance. The applicant has insurance against claims of personal injury and property damage for tourist rooming house or short-term property rentals.
  - e. The Short-Term Residential Rental must be rented for a minimum of two consecutive days by each guest.
  - f. The Short-Term Residential Rental shall at all times comply with the City Room Tax Ordinance (Chapter 94) and timely payments shall be made to the City whether by the lodging marketplace or the owner of the Short-Term Residential Rental.
  - g. Copy of State of Wisconsin Tourist Rental House License;
  - h. Payment of an Administrative Fee, set annually by the City, to cover the costs to the City of administering the above.
  - i. The City of Columbus Short-Term Residential Rental License shall be issued with the completion of the above requirements. Following issuance, the Short-Term Residential Rental Licenses shall not be transferable and the property owner shall notify all property owners within 300 feet of said Short-Term Residential Rental use that they have been issued a License to operate a Short-Term Residential Rental at the property owner's assigned address. Notice shall be provided to the City in writing prior to the commencement of operation.
3. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
- a. Parking Requirements:
    - i. A minimum of one off-street parking space per sleeping room shall be provided on the subject property for each Short-Term Residential Rental.
    - ii. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.
      - i. If the tourist or transient brings equipment or vehicles on trailers, the equipment or vehicles shall be stored/parked on the trailers while at the Short-Term Residential Rental.
  - b. Site Appearance Requirements:
    - i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Residential Rental visible on the exterior of the subject property.
    - ii. No exterior signage related to the Short-Term Residential Rental is permitted, other than the property address.
    - iii. No outdoor storage related to the Short-Term Residential Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
    - iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.
  - c. Neighborhood Impact Requirements:

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- i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
  - ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of **Article VI** of the Columbus Zoning Ordinance.
  - iii. No vehicular traffic shall be generated by the Short-Term Residential Rental at levels exceeding those typical for a detached single-family dwelling unit.
  - iv. Pets, if allowed, must be restricted to the property.
- d. Short-Term Residential Rental Advertising:
- i. No outdoor advertising is allowed on the subject property.
  - ii. The Short-Term Residential Rental shall not be advertised for availability in any form of media unless the required **City of Columbus Short-Term Residential Rental License** has been issued.
4. Penalties and License Revocation
- a. For violations see **Section 114.10.60**.
  - b. The Short-Term Residential Rental License may be revoked for more than two violations of the requirements of the License, the requirements specific to Short-Term Residential Rentals, the License, or the remainder of Zoning Code.
  - c. A License may be revoked or denied for the following reasons as determined by the Zoning Administrator:
    - i. Past and present compliance with federal, state, and local laws and ordinances.
    - ii. Past and present compliance with room and sales tax requirements.
    - iii. Property conditions, including noise, traffic and parking, garbage or refuse complaints, general care and maintenance, and other matters that may be deemed a nuisance to neighboring properties.
    - iv. Excessive response required from law enforcement related to the Short-Term Residential Rental.
- (27) **Small Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems are accessory to a principal land use on a property and are designed primarily to generate energy for said principal land use.
- Regulations:
- (a) Except for in the **Conservancy (C) district**, where they are allowed only as a conditional use, solar energy systems (rooftop, building-mounted, and freestanding) are permitted uses in all zoning districts as accessory structures. All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, are void (Wis. Stats. § 236.292).
  - (b) Freestanding solar energy systems shall only be located within the side and rear yards.
    - 1. They shall not be considered an impervious surface in the measurement of the maximum impervious surface ratio if the surface under the panels is pervious.
  - (c) Rooftop and building-mounted small solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where the system exceeds the maximum height limit, the panel must be setback from the edge of the roof a minimum distance equal to or greater than the height of the panel.

## Section 114.03.29: Reserved

- (d) See Sections 114.04.11 to 114.04.14 for specific bulk, density, and intensity requirements for accessory structures in each district. There are no screening or design requirements for Small Solar Energy Systems.
- (e) The City will apply Wis. Stats. §§ 66.0401 and 66.0403 in the evaluation of small solar energy system plans.
1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - c. Allows for an alternative renewable system of comparable cost and efficiency.
- (28) **Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.
- (a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code Chap. PSC 128, as amended, and this Section.
  - (b) Wind energy systems are a conditional use in every district. The City will apply Wis. Stats. § 66.0401 and Wis. Admin. Code Chap. PSC 128, as amended, in the evaluation of such requests.
    1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
      - a. Serves to preserve or protect the public health or safety.
      - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
      - c. Allows for an alternative renewable system of comparable cost and efficiency.

**Section 114.03.29: Reserved****Section 114.03.30: Temporary Uses**

All of the following temporary uses shall comply with the standards and procedures herein. Unless stated otherwise below, temporary uses are limited to 90 days per calendar year. Temporary uses may be extended in duration through the conditional use process (See Section 114.10.32).

- (1) **Farmer's Market.** Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, or crafts from vehicles or temporary stands located within a parking lot.  
Regulations:
  - (a) Farmer's Market land uses are limited to the operating hours of 7 a.m. to 10 p.m.
- (2) **Garage or Estate Sale (Auction).** Any temporary display of used household goods for sale on a property customarily used as a residence that does not exceed four days in duration and that occurs no

## Section 114.03.30: Temporary Uses

more than four times in one calendar year. Such sales are also commonly referred to as rummage sales or yard sales.

Regulations:

- (a) The person or persons conducting the Garage or Estate Sale shall reside on the lot where the sale is conducted. Permits are not required for Garage or Estate Sales.
  - (b) Sales shall occur only during daylight hours.
  - (c) Garage or Estate Sales shall not exceed 4 consecutive days in duration.
  - (d) Garage or Estate Sales shall not be held more than four times in any 12-month period and shall not be held more than two times in any 30-day period.
  - (e) Signs shall comply with the regulations of [Article IX](#).
- (3) **Temporary Farm Product Sales/Roadside Stand:** This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

- (a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  - (b) Sales and display activities shall be limited to daylight hours.
  - (c) Minimum required parking: Two spaces per vendor.
- (4) **Temporary Moving Container (Residential):** Portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

- (a) The container shall not exceed outside dimensions of 20 feet in length, 8 feet in width, and 9 feet in height.
  - (b) The container shall be permitted on the property for up to 90 consecutive days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
  - (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
  - (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (5) **Temporary On-Site Construction Storage, Contractor's Project Office, and On-Site Real Estate Sales Office:** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project, a structure containing an on-site construction management office for an active construction project, or a building which serves as an on-site sales office for a development project.

Regulations:

- (a) The land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit. Temporary Real Estate Offices shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- (b) Projects requiring the construction storage or contractor's project office structure to be in place for more than 365 days shall require a conditional use permit. Temporary On-Site Real Estate

## Section 114.03.30: Temporary Uses

Sales Office uses that exceed 90 consecutive days per calendar year shall require a conditional use permit.

- (c) The storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

- (6) **Temporary Outdoor Assembly:** Includes any organized outdoor assembly such as outdoor weddings, wedding receptions, or tent meetings.

Regulations:

- (a) Temporary Outdoor Assembly uses that exceed 3 days per calendar year shall require a conditional use permit.
- (b) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (c) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.
- (d) A street use permit is required for all activities within a dedicated public right-of-way. The following information shall be described within the application and deemed adequate for the proposed event by the Chief of Police and Zoning Administrator:
  1. Proposed use of the street (including a detailed description of all activities such as vending, music, selling of food or alcohol beverages, location and use of tents, stages, or other equipment, and a detailed plan for clean-up after the event.)
  2. Recording or sound amplification equipment.
  3. Description of any public facilities or equipment to be used.
  4. Adequate parking, drinking water, and toilet facilities.
  5. Adequate provisions for crowd control.
- (e) Signage shall comply with the requirements for temporary signs in [Article IX](#).

- (7) **Temporary Outdoor Sales:** Includes the display of any items outside the confines of a building, which is not a permitted or conditional use or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and fireworks sales. Food or beverage trucks, carts, stands, or trailers are regulated in [Chapter 12.055](#) of the City of Columbus Municipal Code.

Regulations:

- (a) Temporary Outdoor Sales uses that exceed 90 consecutive days per calendar year shall require a conditional use permit.
- (b) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (c) If the subject property is located adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.
- (d) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any event or sales activity.
- (e) Minimum required parking: None.

- (8) **Temporary Outdoor Storage Container (Nonresidential):** Enclosed, lockable storage containers such as shipping containers, semi-trailers, storage pods, or other fully enclosed trailers for use on a

## Section 114.03.30: Temporary Uses

limited basis on a nonresidential property. Other forms of temporary outdoor storage containers are prohibited.

Regulations:

- (a) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (b) The container shall be permitted on the property for up to 30 consecutive days per calendar year. Containers in place for more than 30 consecutive days per calendar year shall be regulated as Outdoor Storage and Wholesaling under [Section 114.03.16\(2\)](#) or Incidental Outdoor Storage under [Section 114.03.28\(13\)](#).

- (9) **Temporary Refuse Container:** Includes any receptacle or container used for the temporary disposal of refuse on-site usually in the form of a dumpster or other similarly large metal container associated with a construction, remodeling, moving, or other similar project on-site.

Regulations:

- (a) The container shall not exceed outside dimensions of 25 feet in length, 8 feet in width, and 8 feet in height or 40 yards of capacity.
- (b) The container shall be permitted on the property for up to 30 consecutive days.
- (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
- (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.

- (10) **Temporary Relocatable Building:** Includes any manufactured building which serves as a temporary building for less than 6 months. Examples include office, personal and professional services, indoor institutional, etc.

Regulations:

- (a) Facilities serving for more than 6 months shall be considered conditional uses and are subject to the general standards and procedures presented in [Section 114.10.32](#).
- (b) The structure shall be limited to a maximum area not exceeding 20 percent of the property's gross site area.
- (c) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any activity.
- (d) The structure must be placed on asphalt, concrete, or a similar hard-paved surface.
- (e) Minimum required parking: None.

- (11) **Temporary Shelter Structure:** These shelters are typically supported by poles, have a fabric or plastic roof and/or sides, and are commonly used for short term temporary storage of vehicles and other personal property. This does not include camping tents or permanent Residential Accessory Structures. Temporary Shelter Structures are prohibited.

- (12) **Temporary Vehicle Sales:** Includes the sale of personal vehicles and equipment on trailers such as ATVs, snowmobiles, motorcycles, horse trailers, campers, etc.

Regulations:

- (a) No more than one vehicle or trailer shall be for sale on any property at any given time for up to a maximum of 30 consecutive days per calendar year.
- (b) Vehicles or trailers for sale must be licensed.
- (c) Vehicles or trailers for sale must be owned by one of the following:

Sections 114.03.31 to 114.03.99: Reserved

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1. The property owner or lessee.
  2. An employee of the property owner or lessee, only during the hours in which the employee is working.
- (d) Vehicles or trailers for sale must be parked in a legal parking space or a residential driveway. Vehicles or trailers for sale shall not be parked on a lawn or other landscaped area.

**Sections 114.03.31 to 114.03.99: Reserved**

## ARTICLE IV: BULK REGULATIONS

### Section 114.04.01: Purpose

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the City of Columbus. The provisions of this Article are established for each Zoning District in [Article II](#). Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of [Article V](#).

### Sections 114.04.02 to 114.04.09: Reserved

### Section 114.04.10: Bulk Standards

- (1) All structures shall comply with the requirements listed for each zoning district in [Sections 114.04.11 to 114.04.14](#).
- (2) All lots shall conform to [Chapter 90 Subdivisions](#) of the Municipal Code and the minimum requirements herein.

Sections 114.04.11 Table of Bulk Dimensions – Residential Zoning Districts

**Sections 114.04.11 Table of Bulk Dimensions – Residential Zoning Districts**

	SR-1	SR-2	MR-1	MR-2	MH
	Single Family Residential	Single Family Residential	Mixed Residential	Mixed Residential	Mobile Home Residential
<b>Density and Intensity Limits</b>					
Maximum Impervious Surface Percentage	60%	70%	70%	70%	70%
<b>Lot Requirements</b>					
Minimum Lot Area (1)	8,000 sq ft	5,000 sq ft	5,000 sq ft or 3,000 sq ft (1)	5,000 sq ft or 3,000 sq ft (1)	5,000 sq ft
Minimum Lot Width (at front setback line) (1)	60 ft	50 ft	50 ft or 25 ft (1)	50 ft or 25 ft (1)	50 ft
Minimum Lot Frontage at Right-of-Way	30 ft				
<b>Principal Building Setbacks</b>					
Minimum Front Yard and Street Side Corner Setback	20 ft	15 ft	20 ft	20 ft	20 ft
Minimum Porch Setback - Front and Street Side Setback(4)	10 ft				
Minimum Side Yard Setback – Interior (1)	8 ft	5 ft	0 ft or 5 ft (1)	0 ft or 5 ft (1)	5 ft
Minimum Rear Yard and Attached Deck Setback (2)	20 ft	No Alley: 20 ft Alley: 3 ft	No Alley: 20 ft, Alley: 3 ft	No Alley: 20 ft, Alley: 3 ft	No Alley: 20 ft, Alley: 3 ft
Maximum Building Height	35 ft and 2.5 stories	35 ft and 2.5 stories	45 ft and 3 stories	60 ft and 4 stories	35 ft and 2.5 stories
Minimum Building Separation (on same lot)	See Building Code				
Minimum Principal Dwelling Unit Structure Area	See Building Code				
<b>Accessory Building Requirements</b>					
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building				
Minimum Building Separation (on same lot)	See Building Code				

**Commented [SK39]:** Staff: Staff: We removed the default 10' building separation and instead defer to what the building code requires. Are you ok with this? Building code may allow 6-10 feet for example without special fire walls but if it's closer than that additional requirements may be triggered. This way we don't have a duplicate rule of 10' in the zoning code, but maybe building code would actually allow 6 or 8 feet without issue.

Sections 114.04.11 Table of Bulk Dimensions – Residential Zoning Districts

	SR-1	SR-2	MR-1	MR-2	MH
	<i>Single Family Residential</i>	<i>Single Family Residential</i>	<i>Mixed Residential</i>	<i>Mixed Residential</i>	<i>Mobile Home Residential</i>
<b>Minimum Side Yard Setback</b>	3 ft	3 ft	3 ft	3 ft	3 ft
<b>Minimum Rear Yard Setback</b>	5 ft	5 ft	5 ft	5 ft	5 ft
<b>Maximum Building Height (4)</b>	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft
<b>Minimum Pavement Setbacks</b>					
<b>Minimum Pavement Setback - Street or Right-of-Way (5)</b>	10 ft	10 ft	10 ft	10 ft	10 ft
<b>Minimum Pavement Setback - Side and Rear Yard (5)</b>	3 ft	3 ft	3 ft	3 ft	3 ft
<p>1. When individual attached dwelling units are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached dwelling units are located on separate parcels, the minimum lot width and side setback shall be the second figure stated above.</p> <p>2. Districts are designed to allow alleys in the rear of the lot. See <a href="#">Chapter 90</a> Subdivisions for minimum alley dimensions.</p> <p>3. Front porches are not considered part of the front plane of the principal structure. These standards shall only apply to the front yard and not the street side yard on a corner lot.</p> <p>4. Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot.</p> <p>5. A zero-foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.</p>					

Section 114.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

**Section 114.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts**

	CMU	DMU	INST
	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
<b>Density and Intensity Limits</b>			
Maximum Impervious Surface Percentage	75%	100%	75%
<b>Lot Requirements</b>			
Minimum Lot Area (1)	8,000 sq ft (1)	None	10,000 sq ft (1)
Minimum Lot Width (at front setback line) (1)	25 ft or 60 ft (1)	10 ft	60 ft or 25 ft (1)
Minimum Lot Frontage at Right-of-Way	30 ft	10 ft	30 ft
<b>Principal Building Setbacks</b>			
Minimum Front Yard and Street Side Corner Setback	20 ft	Min: 0 ft Max: 10 ft	20 ft
Minimum Side Yard Setback – Interior (1)	0 ft or 10 ft (1)	Min: 0 ft (1) Max: 10 ft	0 ft or 10 ft (1)
Minimum Rear Yard and Attached Deck Setback (2)	20 ft	Min: 0 ft (2) Max: 10 ft	20 ft
Maximum Building Height	60 ft and 4 stories	Min: 20 ft and 1.5 stories Max: 60 ft and 4 stories	60 ft and 4 stories
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	See Building Code	See Building Code
<b>Accessory Building Requirements</b>			
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	3 ft	0 ft	3 ft
Minimum Rear Yard Setback	5 ft	0 ft	5 ft

**Commented [SK40]:** Plan Commission: Are you comfortable with 4 stories?

Section 114.04.12 Table of Bulk Dimensions – Mixed Use Zoning Districts

	CMU	DMU	INST
	<i>Corridor Mixed Use</i>	<i>Downtown Mixed Use</i>	<i>Institutional</i>
<b>Maximum Building Height (4)</b>	15 ft or 24 ft	15 ft or 24 ft	15 ft or 24 ft
<b>Minimum Pavement Setbacks</b>			
<b>Minimum Pavement Setback - Street or Right-of-Way (all pavement) (5)</b>	10 ft	0 ft	10 ft
<b>Minimum Pavement Setback - Side and Rear yard (all pavement) (5)</b>	3 ft	0 ft	3 ft
<p>1. When individual attached dwelling units are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached dwelling units are located on separate parcels, the minimum lot width and side setback shall be the second figure stated above.</p> <p>2. Districts are designed to allow alleys in the rear of the lot. See Chapter 90 Subdivisions for minimum alley dimensions.</p> <p>3. Front porches are not considered part of the front plane of the principal structure. These standards shall only apply to the front yard and not the street side yard on a corner lot.</p> <p>4. Accessory structures that only meet minimum accessory structure setbacks have a maximum height of 15 feet. Accessory structures that meet minimum principal structure setbacks have a maximum height of 24 feet. No accessory structure shall be taller than the principal structure on the lot.</p> <p>5. A zero-foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.</p>			

Section 114.04.13 Table of Bulk Dimensions – Industrial Zoning Districts

**Section 114.04.13 Table of Bulk Dimensions – Industrial Zoning Districts**

	BP	LI	HI
	<i>Business Park</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>
<b>Density and Intensity Limits</b>			
Maximum Impervious Surface Percentage	75%	75%	75%
Maximum Lot Dwelling Unit Density	Not Applicable	Not Applicable	Not Applicable
<b>Lot Requirements</b>			
Minimum Lot Area	10,000 or 20,000 sq ft	10,000 or 20,000 sq ft	1 Acre
Minimum Lot Width (at front setback line)	90 ft or 0 ft (1)	90 ft or 0 ft (1)	100 ft
Minimum Lot Frontage at Right-of-Way	50 ft	50 ft	100 ft
<b>Principal Building Setbacks</b>			
Minimum Front Yard and Street Side Corner Setback	20 ft	20 ft	25 ft
Minimum Side Yard Setback - Interior	15 ft or 0 ft (1)	15 ft or 0 ft (1)	20 ft
Minimum Rear Yard Setback	20 ft	20 ft	20 ft
Maximum Building Height	60 ft and 4 stories	60 ft and 4 stories	60 ft and 4 stories
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code
<b>Accessory Building Requirements</b>			
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	Even with or behind the principal building	Even with or behind the principal building
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	3 ft	10 ft	10 ft
Minimum Rear Yard Setback	5 ft	5 ft	10 ft
Maximum Building Height	60 ft	60 ft	60 ft
<b>Minimum Pavement Setbacks</b>			
Minimum Pavement Setback - Street or Right-of-Way (all pavement) (2)	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear yard (all pavement) (2)	3 ft	3 ft	3 ft

1. When individual attached dwelling units are located on separate parcels, the minimum combined lot area of both parcels shall be the minimum figures stated above. When individual attached dwelling units are located on separate parcels, the minimum lot width and side setback shall be the second figure stated above.  
 2. A zero-foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.

Section 114.04.14 Table of Bulk Dimensions –Agriculture, Open Space, and Other Zoning Districts

**Section 114.04.14 Table of Bulk Dimensions –Agriculture, Open Space, and Other Zoning Districts**

	AG	CON	PR	IOA
	<i>Agricultural</i>	<i>Conservancy</i>	<i>Parks and Recreation</i>	<i>Intensive Outdoor Activity</i>
<b>Density and Intensity Limits</b>				
Maximum Impervious Surface Percentage	25%	10%	25%	75%
Maximum Lot Dwelling Unit Density	Not Applicable	Not Applicable	Not Applicable	Not Applicable
<b>Lot Requirements</b>				
Minimum Lot Area	1 Acre	None	1 Acre	1 Acre
Minimum Lot Width (at front setback line)	100 ft	None	100 ft	100 ft
Minimum Lot Frontage at Right-of-Way	50 ft	None	100 ft	100 ft
<b>Principal Building Setbacks</b>				
Minimum Front Yard and Street Side Corner Setback	35 ft	None	20 ft	50 ft
Minimum Side Yard Setback - Interior	30 ft	None	20 ft	50 ft
Minimum Rear Yard Setback	35 ft	None	20 ft	50 ft
Maximum Building Height (for principal building)	50 ft and 4 stories	None	45 feet and 3 stories	60 ft and 4 stories
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Principal Dwelling Unit Structure Area	See Building Code	N/A	N/A	N/A
Minimum Front-Loaded Garage Setback (for attached garages)	None	None	N/A	N/A
<b>Accessory Building Requirements</b>				
Minimum Front Yard and Street Side Corner Setback	Even with or behind the principal building	None	None	Even with or behind the principal building
Minimum Building Separation (on same lot)	See Building Code	See Building Code	See Building Code	See Building Code
Minimum Side Yard Setback	5 ft	None	5 ft	10 ft
Minimum Rear Yard Setback	5 ft	None	5 ft	10 ft
Maximum Building Height	50 ft and 4 stories	None	45 feet and 3 stories	60 ft and 4 stories
<b>Minimum Pavement Setbacks</b>				
Minimum Pavement Setback - Street or Right-of-Way (1)	10 ft	10 ft	10 ft	10 ft
Minimum Pavement Setback - Side and Rear Yard (1)	3 ft	3 ft	3 ft	3 ft

1. A zero-foot pavement setback is only permitted for shared driveways so long as there is a recorded legal cross access easement between the two lots.

**Section 114.04.15 to 114.04.19: Reserved**

## Section 114.04.20: Exceptions to Maximum Height Regulations

**Section 114.04.20: Exceptions to Maximum Height Regulations**

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Sections 114.04.11 to 114.04.14 are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

- (1) **Minor Projections.** The following are permitted to exceed the maximum height regulations within any district where permitted: church spires; belfries; cupolas; penthouses and domes (not used for human occupancy); public monuments; stage towers or scenery lofts; water towers; fire and hose towers; tanks; utility poles; flag poles; chimneys; cooling towers; exhaust pipes; ventilators; skylights; telecommunications towers and antennas; satellite dishes; elevator bulkheads, grain elevators, feed mills, grain and seed mixing bins, concrete mixing bins, and other necessary mechanical appurtenances usually carried above roof level; and similar features. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin State Building Code.
- (2) **Additional Height for Roof Design or Non-Residential Space on the Ground Level.** An Apartment/Multiplex, Townhouse, Live/Work, or Mixed-Use Building may exceed the maximum height regulations by up to a total of six (6) feet within any district where the land use is permitted, if either of the following conditions is met:
  - (a) The structure is designed with a gable, hip, or gambrel roof with a pitch of at least 6/12.
  - (b) A Mixed-Use Building may increase the floor-to-ceiling height of the ground level, but then the building is not eligible for additional height for roof design.

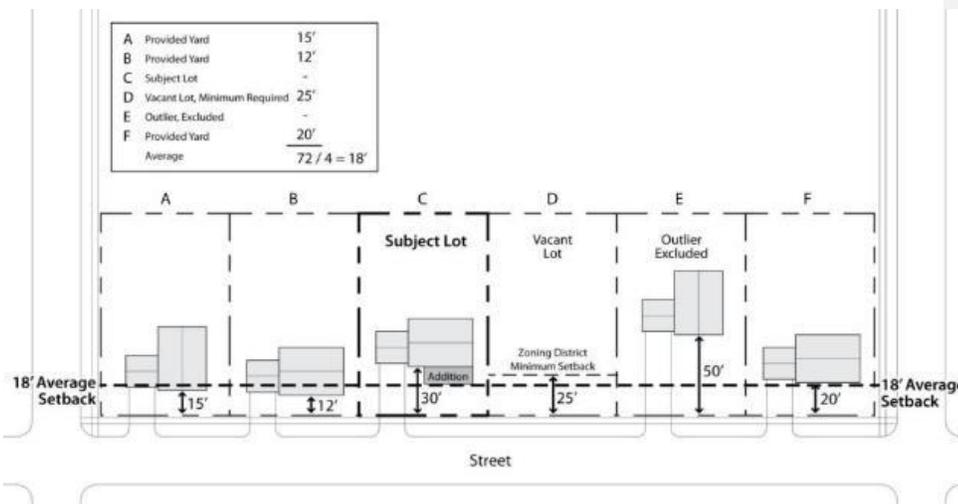
**Sections 114.04.21 to 114.04.29: Reserved****Section 114.04.30: Yard Setback Adjustments**

- (1) **Lot size and minimum yard dimensions.** No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) **Limited Access Highways.**
  - (a) See Section 90.40(3) for additional setbacks required for newly-platted development along limited access highways.
- (3) **Yard Setback Adjustments.**
  - (a) **Decrease of Front Yard Setback.**
    1. In the Residential and Mixed-Use zoning districts, a front yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 114.04.30a):
      - a. Only the front yard setbacks on 5 or fewer adjoining lots, which are contiguous to each other in either direction of the subject lot and which are on the same side of the street as each other on the same block, may be used.
      - b. Where a lot is vacant, the minimum front yard setback of the zoning district for the proposed use will be applied to the vacant lot and factored into the averaging calculation.

Section 114.04.30: Yard Setback Adjustments

- c. Outliers, defined as yards with a setback that is equal to or greater than twice that of the next largest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.
- d. In residential districts, the minimum front yard and street side yard setback on any lot shall be at least 6 feet. The minimum setback for an attached or detached accessory building facing the front yard or street side yard shall be at least 20 feet.

**Figure 550.04.30a: Front Yard Averaging Example**



- (b) Increase of Front Yard Setback.
  1. In the Residential and Mixed-Use zoning districts, blocks with mean front yard setback more than 5 feet over the minimum required front yard setback shall be increased to the mean of the adjoining same type of principal structures on said block or street. This regulation is intended to preserve and maintain the character of established neighborhoods that are typified by front yard setbacks substantially in excess of the minimum required front yard setback.
  2. Outliers, defined as yards with a setback that is equal to or less than half that of the next smallest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.
- (c) Side Yard Setback Adjustments
  1. Street Side Yard Setback Adjustments (for Corner Lots). On corner lots, the street side yard setback may be reduced to 8 feet, as may be necessary to attain at 30-foot buildable width. The required interior side yard setback must be maintained.
  2. Side Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required side setback width, the minimum required

## Sections 114.04.31 to 114.04.39: Reserved

bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.

3. Side Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 50 feet in width, the side yard may be reduced to 10 percent of the lot width but not less than 4 feet.
- (d) Rear Yard Setback Adjustments.
1. Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required rear setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.
  2. Rear Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 100 feet in depth, and where the minimum lot depth is required to be at least 100 feet, the rear yard may be reduced to 20 percent of the lot depth.
  3. Increase of Rear Yard Setback: A principal building on a riverfront lot in a Residential or Mixed-Use zoning district shall have a minimum rear setback of 30 feet measured from the Ordinary High Water Mark.

## Sections 114.04.31 to 114.04.39: Reserved

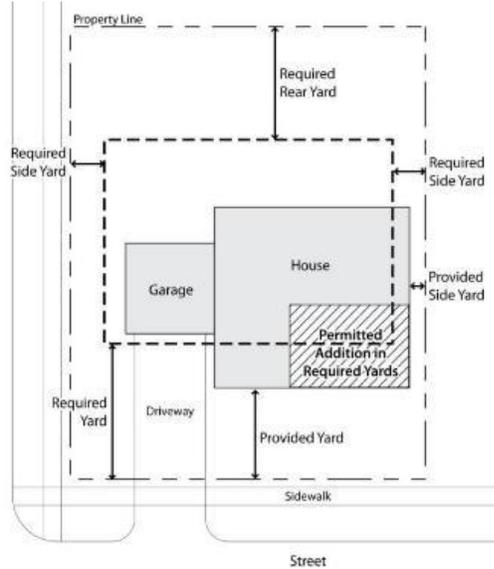
**Section 114.04.40: Projections into Required Yards**

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) With the exception of fences, minor accessory structures permitted in the front or street side yard, and the permitted projections described in this Section, no principal or accessory structures shall be permitted within any portion of a front or street side yard.
- (2) Permitted Projections into All Required Yards.
  - (a) For principal and accessory residential buildings, the ordinary projection of sills, belt courses, cornices, gutters, eaves, overhangs, ornamental features, pilasters, lintels, bay windows, chimneys, egress windows, and flues, provided they do not extend more than 2.5 feet into the required yards.
  - (b) Fences shall meet the requirements of [Section 114.06.40](#).
  - (c) Additions to the existing building (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever is more permissive. If the addition is a front-loaded garage or front-loaded garage addition, the minimum setback when facing the front yard or street side yard shall be at least 15 feet. In no instance shall any new addition be within 10 feet of an adjacent principal structure or within 5 feet of an adjacent property line. See [Figure 114.04.40a](#).

**Commented [SK41]:** Staff: This type of content lives here in the existing code: [Sec. 114-13. - Yard requirements detailed.](#)

## Section 114.04.40: Projections into Required Yards

**Figure 114.04.40a: Permitted Additions to Existing Structures in Required Yards**

*Note: Building additions must meet the design standards of [Article VII](#).*

- (d) Handicap Accessible Ramps.
1. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in any required setbacks, provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code or Wisconsin Uniform Dwelling Code for accessible ramps and that no other location is feasible outside the required setbacks. Only temporary and removable ramps shall be permitted to encroach into the required setbacks.
  2. Handicap Ramp Permit. Handicap ramps proposed for placement within required setback areas shall secure a Building Permit from the Building Inspector prior to construction. An application for a permit shall include a written statement explaining the reasons for the placement of the handicap ramp. The Zoning Administrator may also require a statement from a physician verifying the need for a handicap ramp.
  3. Handicap Ramp Removal. When a handicap ramp is placed within the required setback, the Zoning Administrator may periodically require verification of the continual need for the handicap ramp. When it has been determined the handicap ramp is no longer needed, the Zoning Administrator may order its immediate removal.
- (e) Any other provisions identified elsewhere in this Chapter (landscape features, accessory structures, and other features where specific setbacks are established).
- (3) Permitted Projections into Required Front Yards.
- (a) All of the permitted projections listed under Subsection (2) above.

## Section 114.04.40: Projections into Required Yards

- (b) Reference Sections 114.04.11 to 114.04.14 for porch dimensions and Section 114.03.28(7) for minor accessory structures.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 5 feet into the front yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (4) Permitted Projections into Required Street Side Yards (for Corner Lots).
- (a) All of the permitted projections listed under Subsection (2) above.
  - (b) Reference Sections 114.04.11 to 114.04.14 for porch dimensions and Section 114.03.28(7) for minor accessory structures.
- (5) Permitted Projections into Required Interior Side Yards.
- (a) Reference Sections 114.04.11 to 114.04.14 for porch dimensions and Section 114.03.28(7) for minor accessory structures.
  - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a side yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the interior side yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (6) Permitted Projections into Required Rear Yards.
- (a) Reference Sections 114.04.11 to 114.04.14 for porch dimensions and Section 114.03.28(7) for minor accessory structures.
  - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the rear yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (7) Permitted Projections in the Planned Unit Development District (PUD): Per approved Specific Implementation Plan (see Section 114.02.11).
- (8) Permitted Projections in the Overlay Districts. See Section 114.02.20.

**Sections 114.04.41 to 114.04.99: Reserved**

**ARTICLE V: NONCONFORMING SITUATIONS****Section 114.05.01: Purpose**

The purpose of this Article is to establish regulations for the following nonconforming situations created legally prior to the effective date of this Chapter: nonconforming uses, nonconforming and substandard lots, nonconforming structures, and other nonconforming sites.

**Sections 114.05.02 to 114.05.09: Reserved****Section 114.05.10: Legal Nonconforming Uses**

- (1) Definition. A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) Legal Nonconforming Uses.
  - (a) Any use not in conformity with this Chapter, but lawfully existing upon the effective date of this Chapter, shall be a legal nonconforming use and may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
  - (b) If a parcel or lot contains a legal nonconforming use, the addition of a new conforming use on that parcel or lot shall require a conditional use permit, subject to the standards, criteria, and procedures prescribed by Section 114.10.32, in order to ensure compatibility with the existing nonconforming use. Whether uses are compatible shall be determined by the Plan Commission.
  - (c) In the absence of a conditional use permit granting it legal conforming status, a nonconforming use shall be discontinued before a new conforming use may be added to the parcel.
- (3) Modification of a Legal Nonconforming Use. A structure containing a nonconforming use shall not be enlarged or increased to occupy a greater area of lot, parcel, site, or structure than was occupied at the time of the effective date of this Chapter.
- (4) No legal nonconforming use of a premise shall be moved in whole or in part to any other portion of the lot, parcel, site or structure than was occupied upon the effective date of this Chapter.
- (5) Discontinuance of a Legal Nonconforming Use.
  - (a) When any legal nonconforming use of any structure or land is discontinued for a period of one year, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
  - (b) The property owner has the burden to prove that the nonconforming use was legal established and has been continuously maintained over time. Potential forms of documentation include but are not limited to utility bills; tax records; business licenses; listing in telephone, business, or City directories; advertisements in dated publications; building, land use, or development permits; insurance policies; leases; dated aerial photos; insurance maps that identify use or development such as Sanborn Maps; or land use and development inventories prepared by a government agency.
- (6) Ordinary Maintenance and Repairs of a Structure and Land Containing a Nonconforming Use.
  - (a) The ordinary maintenance and repairs made to a structure or land containing or related to a legal nonconforming use is permitted. Ordinary maintenance and repairs are defined as follows:

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**Sections 114.05.11 to 114.05.19: Reserved**

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1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
  2. Overlaying an off-street parking or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking or loading lot.
  3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, or access drives without exposing the base course and overlaying such area.
- (b) In no instance shall said maintenance and repairs exceed, over the life of the structure, 50 percent of the present equalized assessed value of said structure or property prior to said repairs, in accordance with Wis. Stats. § 62.23(7)(h) unless the use of the structure is brought into compliance with requirements of this Chapter.

**Sections 114.05.11 to 114.05.19: Reserved****Section 114.05.20: Legal Nonconforming Lots**

- (1) Definition. A legal nonconforming lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
- (2) Applicability: The following Section shall apply to all lots in the City except in the following circumstances:
  - (a) The lot did not legally exist as of the effective date of this Chapter.
  - (b) The lot is subject to a court order to the contrary of this Section.
- (3) Blanket Conforming Status.
  - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all legal nonconforming lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
  - (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district, except any lot located within a subdivision platted prior to the effective date of this Chapter may return to its originally-platted dimensions and configurations.
- (4) New Development: A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

**Sections 114.05.21 to 114.05.29: Reserved****Section 114.05.30: Legal Nonconforming Structures**

- (1) Definition. A legal nonconforming structure is a structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
- (2) The following Section shall apply to all structures in the City except in the following circumstances:

## Section 114.05.30: Legal Nonconforming Structures

- (a) The structure did not legally exist as of the effective date of this Chapter.
  - (b) The structure is subject to a court order to the contrary of this Section.
  - (c) Where there are conflicts between or among regulations within this Section and other regulations such as floodplain, wetland, and shoreland regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Blanket Conforming Status.
- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter.
  - (b) The repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a legal nonconforming structure is permitted in accordance with Wis. Stats. § 62.23(hb) and (he).
  - (c) Structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Board of Zoning Appeals under [Section 114.10.51](#).
  - (d) This Subsection is intended to eliminate the new or continued classification of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations:
    1. Any structure erected prior to the original adoption of zoning by the City of Columbus that does not meet some or all of the bulk or intensity requirements of this Chapter.
    2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.
  - (e) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (4) Continuation. Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (5) Unsafe Conditions. Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (6) Alterations.
- (a) For the purposes of this Section, alterations shall be defined as being one or more of the following:
    1. Adding, removing, changing, or rearranging the supporting members of an existing structure, such as load-bearing walls, columns, beams, girders, trusses, or interior partitions.
    2. Pulverizing or removing asphalt or concrete from off-street parking and loading facilities or access drives to the extent of exposing the base course, whether or not repaving of such area occurs.
    3. Full-depth reclamation and mix and mill in-place processes that pulverize the parking facility surface and blend it on-site with the existing aggregate base.
    4. For the purposes of this Section, “size” is defined as the site coverage, physical dimension, volume, height, length, width, or gross floor area.

## Section 114.05.30: Legal Nonconforming Structures

- (b) A legal nonconforming structure may be altered provided that the nonconforming structure does not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
- (7) Additions.
- (a) An addition shall be defined as anything that increases the size of an existing building or structure.
- (b) Additions made to nonconforming structures shall be permissible in required setbacks subject to the following:
1. The addition shall not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
  2. The addition shall conform to all other requirements of the district in which it is located.
- (c) Additions shall meet all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (8) Relocation.
- (a) Relocation shall be defined as any repositioning of a structure on its site or moving any structure to another site.
- (b) No structure shall be moved in whole or in part to any other location on the same or any other site unless the structure complies with all of the provisions of this Chapter.
- (c) If a structure is relocated to a new site, it shall also comply with all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (9) Ordinary Maintenance and Repairs.
- (a) The ordinary maintenance and repairs made to a nonconforming structure is permitted.
- (b) Ordinary maintenance and repairs are defined as follows:
1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
  2. Overlaying an off-street parking or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking or loading lot.
  3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
- (10) Destruction and Reconstruction. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either (a) or (b), below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
- (a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. § 62.23(hb) and (he) on or after March 2, 2006.
- (b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.

Commented [SK42]: Still reviewing this language

- (c) For special regulations pertaining to the reconstruction of nonconforming single family or two-family driveways, refer to [Section 114.06.03\(9\)\(a\)1](#). For special regulations pertaining to the reconstruction of nonconforming multi-family or commercial parking lots, refer to [Section 114.06.06\(7\)\(e\)](#).

## Sections 114.05.31 to 114.05.39: Reserved

### Section 114.05.40: Other Nonconforming Sites

- (1) Definition. A nonconforming site is a site legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter because it does not meet the building and site design requirements of this Chapter. Such building and site design components may include one or more of the following:
  - (a) Bulk, intensity, and density requirements.
  - (b) Exterior building materials requirements.
  - (c) Exterior building design requirements.
  - (d) Number of parking spaces required.
  - (e) Landscaping requirements.
  - (f) Bufferyard requirements.
  - (g) Fencing requirements.
  - (h) Lighting requirements
- (2) Blanket Conforming Status.
  - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.
  - (b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (1)(a) through (g), above, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.
  - (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter.
  - (d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- (3) New Development. All new buildings, structures, parking areas, and parking stall counts, including reconstructions, shall comply with all site design requirements of this Chapter, including the components of (1)(a) through (h), above, for the new or reconstructed portion of the development.
- (4) Conformance Required Where Possible. On nonconforming lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, any change that would make compliance with the site design requirements of this Chapter impossible shall not be permitted, as determined by the Zoning Administrator.
- (5) On nonconforming lots where the site configuration and undeveloped area are not sufficient to comply with all site design requirements, but space is available to reduce the degree of one or more nonconformities, the Zoning Administrator, shall determine the manner and degree to which each site

Sections 114.05.41 to 114.05.99: Reserved

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nonconformities shall be brought into conformance, specifically to improve public safety and/or reduce public nuisances.

- (6) Creation of Additional Nonconformity Prohibited. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted.

**Sections 114.05.41 to 114.05.99: Reserved**

## Section 114.11.01: Definitions

**ARTICLE XI: DEFINITIONS****Section 114.11.01: Definitions**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Zoning Administrator, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to [Article III](#). For definitions of specific sign types, refer to [Article IX](#). Definitions provided by this Section include:

**Access or driveway:** A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.

**Acre:** 43,560 square feet.

**Accessory structure:** See [Article III](#). A structure that: (1) is located on the same lot, tract, or development parcel as the principal structure; (2) is clearly incidental to and customarily found in connection with a principal structure or land use; and (3) is subordinate to and serving a principal structure or land use. Accessory structures may be attached or detached from the principal structure.

**Accessory structure, attached:** An accessory structure which is physically connected to the principal structure. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for principal structures. Attached defines the relationship between another structure and a dwelling, meaning at least one of the following conditions are present:

- (1) There is a continuous, weatherproof roof between the two structures. Note: The sides are not required to be enclosed with walls.
- (2) There is a continuous, structural floor system between the two structures.
- (3) There is a continuous foundation system between the two structures.
- (4) There is less than three feet of separation between the principal structure and the accessory structure, including projections of either structure that are below roof overhangs or eaves.

**Accessory structure, detached:** An accessory structure which is not physically attached to the principal building. A minor connection between structures (outside of anything defined in Accessory structure, attached) does not render an accessory structure attached. Detached accessory structures are subject to setback standards for accessory structures.

**Accessory use:** A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation, and shall not include the boarding of animals or the keeping of fowl or farm animals (except pets or as otherwise permitted by the Municipal Code).

**Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**Address:** The number or other designation assigned in accordance to a housing unit, business establishment, or other structure or site for purposes of mail delivery, and emergency services.

**Agent of owner:** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, boards, committees, commissions, and the City Council, regarding matters regulated by the Zoning Ordinance.

**Airport:** Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or

Section 114.11.01: Definitions

other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

**Airport hazard:** Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing and taking off.

**Alley:** A minor right-of-way/street or thoroughfare, often public, providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage. An alley is not considered as street.

**Alteration:** Any change, addition, or modification in construction (other than maintenance), or any change in the structural members of buildings such as load-bearing walls, columns, beams, girders, etc.

**Animal, pet:** Any living, vertebrate creature that is domesticated and sheltered by humans to include dogs, cats, small reptiles, fish, chickens, and other similar animals kept for pleasure rather than utility.

**Animal unit:** A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use that most often occurs within the Agricultural Zoning District. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit. Also see the figure source below for any other kind of animal unit specified.

**Figure 114.11.01a: Animal Units**

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens – Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50

Source: The Stockman’s Handbook

**Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 114.10.52.

**Automobile:** A Type 1 or Type 2 motor vehicle as defined in Wis. Stats. § 340.01(4).

**Awning:** A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.

**Balcony:** An unclosed, open platform that is attached to and projects from the wall of a principal or accessory building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.

**Basement:** That portion of a building between the floor and ceiling, having at least one-half of its height below grade.

**Berm:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

## Section 114.11.01: Definitions

**Block:** The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a “block.”

**Boat:** A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).

**Boarding house living arrangement:** A residential land use where occupancy of a dwelling unit is shared by up to eight unrelated adult individuals (see Section 114.03.06).

**Boathouse:** A structure used for the storage of watercraft and associated materials which has one or more walls or sides.

**Bufferyard:** Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual, noise and other interaction with an adjoining property.

**Buildable area:** The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.

**Buildable width:** The width of the lot left to be built upon after the side yards are provided.

**Buildable depth:** The depth of the lot left to be built upon after the front and rear yards are provided.

**Building:** A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.

**Commented [SK43]:** Potentially define permanent.

**Building coverage:** The percentage of a lot covered by principal and accessory buildings or structures.

**Building footprint:** The outline of the total area covered by a building’s perimeter at the ground level.

**Building height:** The vertical distance as measured from the from the established grade immediately adjoining the front of the structure to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the midpoint of the highest gable, hip and gambrel roof; (d) the uppermost point on a round or other arch type roof; or (e) a point on the roof directly above the highest wall of a shed roof. The average height of the façade most closely parallel to the front lot line may not exceed the maximum height permitted within the zoning district in which the site is located.

**Building, principal:** A building in which the main or principal use of the lot is conducted.

**Building separation:** The narrowest distance between two buildings (see minimum building separation).

**Bulk:** The size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings;
- (2) Location of the perimeter of the building at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio or FAR);
- (4) All open spaces allocated to buildings;
- (5) Amount of lot area provided per dwelling unit

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.

**Canopy:** A structure attached and extending from the face of a building, constructed as a permanent fixture.

**Commented [SK44]:** Add definition for carport/temporary shelter.

**Capacity:** The maximum lawful level of designed use of any structure, or part thereof, as determined by the City’s adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.

## Section 114.11.01: Definitions

**Certificate of appropriateness:** A certificate issued by the preservation commission authorizing the performance of alterations, construction and demolition on property and improvements which have been designated for preservation.

**Civic use:** A publicly or quasi-publicly owned and managed facility for meetings, conventions, or exhibitions and other community, social, and multi-purpose uses. Typical uses include those listed under Institutional Land Uses (Section 114.03.12).

**Club:** A structure and facility owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**Commercial vehicle:** Any motor vehicle meeting the definition of Wis. Stats. § 340.04(8) or that requires a commercial driver license in Wis. Stats. § 340.04(7m).

**Comprehensive plan:** The long-range vision for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and certified to the City Council.

**Conditional use:** A use which may be appropriate or desirable in a specific zone but requires special consideration and review prior to approval because if not carefully located or designed, said use may not be deemed compatible with neighborhood uses or may create special problems that impact neighboring lands, public facilities, or the environment or general welfare. All such uses are only allowed under a Conditional Use Permit. See Section 114.10.32 for applicable procedures.

**Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property pursuant to Wis. Stats. § 703.

**Court:** An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.

**Covenant:** A contract between two or more parties which constitutes a restriction of a particular parcel of land.

**Deck:** An uncovered and open platform built above grade, typically supported from the ground by pillars or posts, and accessible from the yard. A deck may be either attached to, or separated from, a principal or accessory building. Decks are considered to be part of a building or structure when they are physically attached to a principal structure and shall meet principal building setbacks. Any other type of deck shall meet accessory structure setbacks. Setbacks shall be measured from the outermost physical boundary of the deck.

**Demolition:** Any act or process which destroys in part, or in whole, a designated structure or an improvement within a designated landmark area or historic district.

**Density:** A term used to describe the number of dwelling units per acre. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks.

**Design standards:** A guideline/specification or set of guidelines/specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement (see Article VII).

**Developed area:** That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features that are either above or below ground.

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

**Commented [SK45]:** Existing code. It may be a better idea to move definitions specific to landmarked or historically designated properties into that Division of the Zoning Code specifically. The demolition definition below, for example, relates only to demolition of landmark structures rather than acting as a general definition.

**Commented [SK46]:** Existing code, landmarks.

## Section 114.11.01: Definitions

**Dormer:** A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.

**Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

**Dwelling, attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

**Dwelling, detached:** A dwelling entirely surrounded by open space on the same lot.

**Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement:** Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

**Electric Vehicle or EV:** Any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Electric Vehicle does not include an electric bicycle. Electric Vehicle include a battery electric vehicle or a plug-in hybrid electric vehicle.

**Electric Vehicle Charging Facility:** A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. An Electric Vehicle Charging Facility may not provide other types of vehicle fuel, such as gasoline.

**Electric Vehicle Charging Station:** A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The terms Level 1, 2, and 3 charging stations are the most common electric vehicle charging levels, and include the following specifications:

- (1) Level 1 is considered slow charging and operates on a 15 to 20 ampere breaker on a 120 volt AC circuit.
- (2) Level 2 is considered medium charging and operates on a 40 to 100 ampere breaker on a 208 or 240 volt dedicated AC circuit.
- (3) Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

**Electric Vehicle Supply Equipment or EVSE:** The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

**Electric Vehicle Ready Parking Spaces:** A designated off-street parking space which is provided with electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit, and the installation of raceways, both underground and surface mounted, to support the future installation of EVSE to serve the parking space.

**Electric Vehicle Installed Parking Spaces:** A designated off-street parking space that is served by EVSE at a minimum Level 2 Electric Vehicle Charging Station.

**Elevation (building):** The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."

## Section 114.11.01: Definitions

**Established grade:** The elevation established for the purpose of measuring the height of buildings. Grade shall be the average level of the ground immediately adjoining a façade exclusive of any filling, berming, mounding, or excavating. Where the finished grade is below the level of the established grade, the established grade shall be used for all purposes of this Ordinance.

**Exterior architectural appearance:** The architectural character and general composition of the exterior of an improvement, including but not limited to the kind, color and/or texture of the building material and the type, design and character of all windows, doors, light fixtures, ornamental details, signs and appurtenant elements.

Commented [SK47]: Existing code.

**Extraterritorial jurisdiction:** The area outside of the City limits in which the City of Columbus may exercise extraterritorial powers of planning, land division, and/or zoning review.

**Extraterritorial zoning:** The area outside of the City limits in which the City of Columbus has exercised extraterritorial powers of zoning.

**Façade:** The wall planes of a building which are visible from one side or perspective (e.g. front, side, rear). See “elevation (building).”

**Family:** A person living as an individual or any combination of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (1) Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship. For the purpose of this Section, “children” means natural children, grandchildren, legally adopted children, stepchildren, or a ward as determined in a legal guardianship proceeding;
- (2) Up to five (5) unrelated adult individuals;
- (3) Up to five (5) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver.
  - (a) This definition does not include those persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
- (4) Up to two (2) personal attendants who provide services for family members or individuals who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (5) Exceptions: The definition of “family” does not include:
  - (a) Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and
  - (b) Any group of individuals whose association is temporary or seasonal in nature.

**Farm building:** Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

**Fence:** Any artificially constructed barrier erected to separate, enclose, or screen areas of land.

**Fence, picket:** A type of fence constructed of evenly-spaced vertical boards that are connected by two or more horizontal rails.

**Fence, solid:** A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and activities or operations conducted behind it from view, including privacy fences.

## Section 114.11.01: Definitions

**Floor area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

**Floor area ratio:** The ratio of the gross floor area of a building to the area of the zoning lot on which the building is located.

**Foot-candle:** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.

**Foster family:** A group of individuals living together and sharing common living, sleeping, cooking and eating facilities in which 1-4 children are provided home-like care by licensed foster parents (individuals other than those defined in “Family” above with primary responsibility for the care and supervisions of one or more foster children placed in their foster home) and in whose name the foster home is licensed under Wis. Stats. § 48.62.

**Frontage:** See lot frontage.

**Garage:** An attached or detached accessory building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children’s play equipment.

**Grade, existing:** The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.

**Grade, finished:** The final elevation of the ground surface after human-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the City of Columbus.

**Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area.

**Gross floor area:** The total floor area inside the building envelope of all levels of a building.

**Gross site area:** The total area of a single lot or the sum of multiple lots in common use.

**Group development:** See Section [114.06.02](#).

**Ground floor:** The floor of a structure that is at or nearest to the level of the site’s base elevation around the structure. In most instances this is the floor that is level or almost level with the ground outside of and directly surrounding the structure that serves as the structure’s accessible entry point for patrons or residents from the street or sidewalk.

**Habitable space:** Space in a structure used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, open porches, garages, or storage or utility spaces are not considered habitable space.

**Historic building or site:** Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district; or is locally designated as a Local Landmark.

**Historic district:** An area designated by the common council on recommendation of the preservation commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city and has been designated as an historic district pursuant to the provisions set forth in this chapter. An historic district may be made up of historic structures.

**Commented [SK48]:** Existing code - landmarks.

## Section 114.11.01: Definitions

**Historic neighborhood:** An area designated by the common council on recommendation of the preservation commission, composed of two or more residential improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city and has been designated as an historic neighborhood pursuant to the provisions set forth in this chapter. An historic neighborhood may be made up of historic structures.

Commented [SK49]: landmarks.

**Impervious surface or area:** See Chapters 19.03 and 104.03 of the City of Columbus Municipal Code.

**Impervious surface ratio:** A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

**Individual family living arrangement:** A residential land use in which occupancy of a dwelling unit is by no more than one family as defined above. See Section 114.03.06.

**Infill site:** Any vacant lot or parcel within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed; and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the City limits shall not be considered infill sites.

**Intensity:** A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.

**Invasive plants or species:** Nonindigenous species whose introduction causes or is likely to cause economic or environmental harm to human health as defined in Wis. Stats. § 23.22(1)(c).

**Landmark:** A property or structure designated as a "landmark" by ordinance of the common council according to criteria and pursuant to procedures prescribed herein and which is therefore worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city.

Commented [SK50]: Existing code - landmark.

**Landscape:** A significant natural feature or group of natural features or a combination of natural features and buildings or improvements.

**Landscaped area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch, river rock, etc.

**Loggia:** A roofed arcade or gallery with open sides stretching along the front or side of a building, often at an upper level.

**Lot:** A parcel of land not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record" shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.

**Lot area:** The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

**Lot, corner:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."

**Lot coverage:** The portion of a lot, stated in terms of percentage, that is covered by all principal and accessory buildings. This shall not be deemed to include fences, walls, or swimming pools.

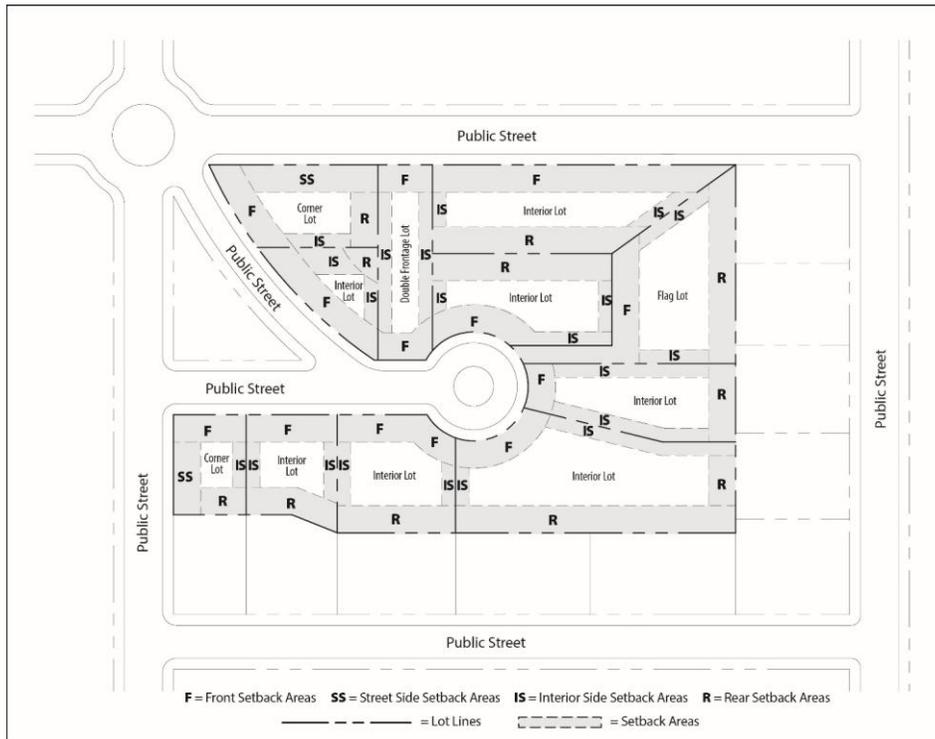
**Lot depth:** The mean horizontal distance between the front and rear lot lines.

**Lot frontage:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right-of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.

**Lot, interior:** A lot other than a corner lot.

Section 114.11.01: Definitions

**Figure 114.11.01b: Regular Lot Descriptions**



**Lot line:** A lot line is the legal property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. In the case of a lot which has two or more street frontages, the front lot line shall be the street line designed by the owner and filed in the office of the Zoning Administrator. (See also lot line, street side). See Figure 114.11.01b.

**Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages), but shall not extend within the street side lot line. See Figure 114.11.01b.

**Lot line, side:** Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. An

## Section 114.11.01: Definitions

interior side lot line can be created with no side yard setback where a building envelope between two lots sharing a single structure is present. This is known as a zero lot line. See Figure 114.11.01.b.

**Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front) and extends the full length of the lot fronting the right-of-way. See Figure 114.11.01b.

**Lot of record:** A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the City of Columbus and/or by Columbia and Dodge Counties, and has been recorded in the office of the Register of Deeds.

**Lot, through:** A lot having frontage on two parallel or approximately parallel streets (also known as a “double-frontage lot”). See Figure 114.11.01b.

**Lot width:** The shortest distance between side lot lines, measured at the building setback line.

**Maintenance:** An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.

**Manufactured home:** A type of dwelling unit as defined by Wis. Stats. §101.95(2) that is certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with Wis. Stats. §70.043(1) and Wis. Admin. Code § SPS 321 subchapters III, IV, and V, or a comparable foundation as approved by the local Building Inspector, is installed according to manufacturer’s instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, and has vinyl, aluminum or other quality siding. A manufactured home may be considered a single-family dwelling unit under Section 114.03.06(7) or an Accessory Dwelling Unit under Section 114.03.28(1) only if the structure meets all Building Code requirements for permanent foundations and footings and the structure is permanently affixed to the permanent foundation with concrete anchors.

**Maximum building size (MBS):** The largest permitted total gross floor area a building may contain (see building size).

**Minimum building separation:** The narrowest permitted building separation.

**Minimum lot area:** The minimum size lot permitted within the specified zoning district.

**Minimum lot width:** The smallest permissible lot width for the applicable zoning district.

**Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.

**Mixed-use:** Some combination of residential, commercial, industrial, office, institutional, and/or other land uses within a district or development.

**Mobile home:** A type of dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a “mobile home” and a non-permanently affixed “manufactured home” as defined by Wis. Stats. §101.91(10) (also see the definition of Manufactured Home) A Mobile Home does not include a “modular home” as defined by this Chapter. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle.

**Modular home:** A dwelling unit meeting the Uniform Dwelling Code and Wis. Stats. §101.71(6) that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single-family dwelling unit under Section 114.03.06(7) or an Accessory Dwelling Unit under Section 114.03.28(1).

**Multi-family residential:** A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.

## Section 114.11.01: Definitions

**Native plants or species:** Plant types that existed in an area prior to European settlement that are well adapted to the climate, precipitation, soils, insects, and other local conditions and are consequently easier to grow than non-native plant types. See Figure 114.08.40a and the Wisconsin Department of Natural Resources for native planting species best suited for the City of Columbus.

**Navigable water:** All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

**Net developable area:** The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area (comprised of surface water, wetlands, 100-year floodplains, floodways, drainageways, wetland buffers, environmental corridors, and steep slopes exceeding 12%) from the gross site area.

**Occupancy:** The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy is not intended to include change of tenants or proprietors.

**Occupancy, change of:** A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

**Official map:** The map adopted pursuant to Wis. Stats. § 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.

**Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.

**Open space:** Any area not covered by a structure.

**Ordinary high water mark:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

**Outdoor assembly area:** Any theatrical exhibition, public show, display, entertainment, amusement or other exhibition which is held outside of any permanent structure permitted for such use.

**Outdoor wood furnace:** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building. Outdoor wood furnaces are prohibited.

**Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.

**Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.

**Parapet:** The extension of a false front or wall above the roofline.

**Parcel:** Any area of land (lot or contiguous group of lots) in the City as shown on the last assessor's roll of the county or the records of the City, whichever is the most recent.

## Section 114.11.01: Definitions

**Parking Space, Designated:** An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a dust-free paved surface per the requirements of Section 114.06.06.

**Patio:** An open, level-surfaced area which is typically impervious and has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.

**Pavement Setback:** The area between the nearest right-of-way or lot line and any impervious surfaces on the lot. This setback does not apply to driveways, driveway entrances, public sidewalks, or sidewalks perpendicular to the street right-of-way on private property. See Figure 114.11.01c.

**Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

**Permanently protected green space:** Permanently protected green space areas that are protected from development such as wetlands, wetland buffers, floodplains, drainage ways, steep slopes, lakeshores, woodlands, native or restored habitat, environmental corridors, and stormwater facilities.

**Person.** Any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including, but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency, or governmental agency.

**Pervious surface:** A surface which allows for precipitation from any source to infiltrate directly into the ground. Undisturbed ground is a pervious surface. Some disturbed ground can be pervious if designed as such.

**Place of worship:** A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

**Plat:** A map or drawing which graphically delineates the boundary of land lots/parcels for the purpose of identification and record title pursuant to Wis. Stats. § 236.

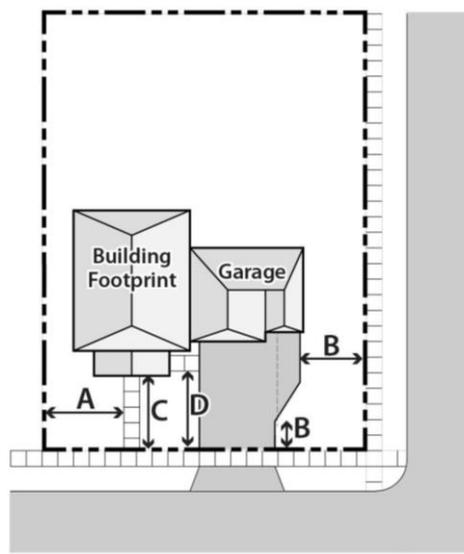
**Pole building:** A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage, and are not intended for human occupancy.

**Porch:** A covered platform that is attached to the outside of a building, typically at an entrance. A porch is not heated or cooled, not fully enclosed and, not used for livable space. The post of the porch closest to a lot line is considered the wall for setback purposes.

**Preservation commission:** The Columbus Historic Landmark and Preservation Commission, as appointed and defined in this chapter.

**Principal structure:** The building containing the principal use, including the foundation, basement, and attic.

Figure 114.11.01c: Pavement Setbacks



Key to Figure 114.11.01c

- A Pavement setback to side lot line
- B Pavement setback to right-of-way (driveway)
- C Pavement setback to right-of-way (porch, stoop, patio)
- D Pavement setback to right-of-way (sidewalk)

Commented [SK51]: Existing code - landmarks

## Section 114.11.01: Definitions

**Principal use:** The main use to which a parcel is devoted and the main purpose for which the premises exists.

**Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

**Recreational equipment:** Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play-forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.

**Recreational vehicle:** A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but are not limited to travel trailers, motor homes, boats, all-terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

**Regional flood:** A flood determined by the Wisconsin Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

**Residential use:** The individual uses listed in Section 114.03.06.

**Rummage sale:** See “Garage or Estate Sale” in Section 114.03.30

**Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

**Setback:** The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections in accordance with Section 114.04.40.

**Shoreland wetlands:** Wetlands located within shoreland areas. Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high-water elevation of a navigable lake, pond, or flowage; or 300 feet from the ordinary high-water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

Shorelands do not include lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) The drainage ditches were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

**Sign:** See Section 114.09.03.

**Sill:** A horizontal, lower member or bottom of a door or window casing.

**Single family dwelling unit:** A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (see Family definition) and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite (See Section 114.03.28 (14)) is still considered a single family dwelling.

**Site area:** See gross site area.

**Site plan:** See Section 114.10.43.

Commented [SK52]: Existing code

## Section 114.11.01: Definitions

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

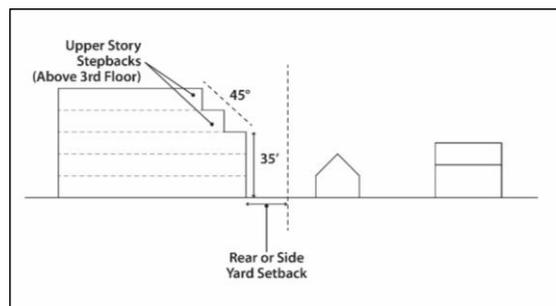
**Start of construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.

**Steep slope:** Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).

**Figure 114.11.01d: Building Stepbacks**

**Stepback:** An architectural design element applied to the upper stories of buildings where any portion of the building above a certain height is moved inside the frame of the building façade toward the center of the property. See Figure 114.11.01d.

**Street:** A right-of-way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the right-of-way lines. See Chapter 18 of the City of Columbus Municipal Code.



**Street, arterial:** Principal Arterials, Primary Arterials, and Standard Arterials as defined in Chapter 18 of the City of Columbus Municipal Code.

**Street, collector:** Collector Streets as defined in Chapter 18 of the City of Columbus Municipal Code.

**Street, local:** Local Streets as defined in Chapter 18 of the City of Columbus Municipal Code.

**Street terrace:** The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.

**Story:** That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, public utilities, and other minor site improvements.

**Structural alteration:** See alteration.

**Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

**Substantial Evidence:** Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. See Section 114.10.32.

**Temporary use:** A land use which is present on a property for a limited and specified period of time. See Section 114.03.30.

**Terrace:** A horizontal, external, raised, open, flat area attached or detached to a structure or located on the roof of a structure.

## Section 114.11.01: Definitions

**Transom:** A horizontal bar of stone, wood or glass across the upper opening of a door or window.

**Two family residential:** A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, footing, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.

**Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.

**Variance:** A modification of the terms of this Chapter regulating land uses or bulk regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship. Variances are further defined in Wis. Stat. § 62.23(7)(e)7.a.

**Vehicle:** Any device, with or without motive power, upon or by which any person or property is or may be transported or drawn upon a highway. Vehicle shall include, without limitation, recreational vehicle, such as travel trailers and campers, utility trailers and truck trailers.

**Vision triangle:** See Section [114.06.03](#).

**Wetland:** An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Wis. Stats. § 23.32(1).

**Wharf/Pier:** Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its width, 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 seasonally.

**Woodland:** Areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the City and its environs.

**Yard:** An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.

**Yard, front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest part of the nearest building or structure.

**Yard, rear:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest part of the nearest building or structure.

**Yard, side:** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest part of the nearest building or structure.

**Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest building or structure extending along the entire street facing frontage.

**Yard, transitional:** That yard which must be provided along a zoning district boundary to provide for the required bufferyard on the more intensively zoned side of the lot line.

**Zero-lot line duplex:** A Twin House. See [114.03.06\(3\)](#).

**Zoning compliance, certificate of:** A permit required under this chapter, which may be combined with a building permit.

**Zoning map, official:** The map adopted and designated by the City as being the “Official Zoning Map.”