

Zoning Code Assessment and Direction Report

# City of Mauston Zoning Code Mauston, Wisconsin

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## Introduction

With this Zoning Code Update Project, the City of Mauston is undertaking a review of its Zoning Code to make the Zoning Code easier to administer and support high-quality development in the community. The City's completed an update to the Zoning Ordinance in early 2017. At that time, duplicate language was removed, zoning districts were reduced, land uses were edited. However, the City wishes to see additional edits to the Code considering Wisconsin Act 67, became effective Nov. 28, 2017. While the City has routinely adopted amendments to address specific issues, the City needs an evaluation of the entire Zoning Code to determine where there are inconsistencies within the code, ensure the City's regulations are consistent with current State Statutes, address standards that are outdated with contemporary development market practices, and make the code easier to use for property owners, business owners, developers, and community members. The code should function as an easy-to-use tool that supports the community's development needs rather than a hurdle to development. The process will implement recommendations from the 2016 Comprehensive Plan.

The purpose of the Ordinance Assessment and Direction Report is to provide detailed documentation of the strengths and weaknesses of the City's current code in terms of usability, organization, effective standards, and inconsistencies within the codes and with relevant plans. The development code evaluation process is intended to determine where there are conflicting development standards, unclear processes, and regulations that do not reflect modern trends and needs of property uses and development.

The annotated outline identifies the recommended reorganization of the City's codes. The current structure of the code is difficult to administer given its structure. Some of the chapters use Divisions and some do not, thus the proposed structure will use divisions in chapters to group related sections and the section numbering will include a reference to both the chapter and division to ease navigating the code.

This report is intended to provide a foundation for the code update process, allowing the City to review and provide feedback regarding the code evaluation and the overall new code structure before drafting of recommended changes to the development codes begins. This report is organized into the following sections:

1. Major Themes for Improvement
2. Annotated Outline
3. Appendix: Downtown Map showing various boundaries

It is important to remember that this evaluation does not necessarily identify every issue or individual problem with the existing Zoning codes. Instead, the report tries to focus on broader issues that will provide direction for the project prior to drafting the new Zoning Code.

## Priority Discussion Points

Priority discussion points to review and discuss to move forward. If any of the suggestions are or are not taken, that impacts the direction for the rest of the zoning code update.

1. Discuss merging Zoning Districts
2. Discuss Structure of Zoning Districts' Purposes, Uses and Standards
3. Reorganize Uses
4. Update and Clarify Development Procedures
5. Reorganize sections because there are sections in Article VIII that should be Article I. These are all noted in the Annotation portion of this document.
6. Utilize "Divisions" in the Articles to ease navigating the code.
7. Allow Zero-lot line in one or two of the Zoning Districts.
8. Consider removing the minimum zoning district area.
9. Land Use Development Standards need to be pared down. Many of the regulations listed can be combined into other Performance Standards or other regulations. Thus, a deep dive needs to be completed on what regulations the City wants to keep for each land use. This of course would be part of the greater land use discussion.
10. Accessory Uses are reorganized and have a proposed outline that will reduce the exhaustive tables under the zoning districts
11. Determine if Sign Code should be its own chapter. This chapter also contains conditional uses. It is suggested that if the Sign Code becomes its own chapter, then a waiver can be granted instead of a conditional use.
12. Discuss inclusion of short-term rentals within the city.

## Major themes for improvement

### Evaluate Planned Unit Development Section

The Planned Unit Development Section is overly complicated for an applicant to understand their responsibilities to move through the Development Process. The term Planned Unit Development (PUD) is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements.

PUD is a special type of floating overlay district which generally does not appear on the municipal zoning map until a designation is requested. This is applied at the time a project is approved and may include provisions to encourage clustering of buildings, designation of

common open space, and incorporation of a variety of building types and mixed land uses. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. Potential benefits of a PUD include more efficient site design, preservation of amenities such as open space, lower costs for street construction and utility extension for the developer and lower maintenance costs for the municipality.

The PUD ordinance should clearly spell out the review process, opportunities for public involvement, and procedural guidelines.

Currently, the PUD is not in the best section of the zoning code. It is suggested to move to Article II (Zoning Districts), Article III (overlay Zoning Districts), Article VI (Reserved), or Article VII (Signs), if Sign Code is moved to its own chapter.

## Evaluate Conditional Uses and How to handle as a Result of WI Act 67

In December of 2017, Wisconsin Act 67 changed how cities can process conditional use permits (CUPs). Conditional use permits have traditionally been used to allow uses that may have impacts on surrounding properties if no mitigating measures were taken. During the review and approval process a City would typically add conditions to the permit approval in an effort to minimize impacts. Conditions might address site parameters such as setbacks, building height, site access points, traffic movement, screening, landscaping, or signage. These conditions were not necessarily identified in the code.

Act 67 now requires a city to grant a conditional use permit if an applicant meets, or agrees to meet, all the requirements and conditions specified in the ordinance or imposed. **These conditions must be based on substantial evidence**, defined in the Act as **facts and information** rather than simply personal preference or speculation about impacts. A review of the code finds that the City has many conditional uses and many of the conditional uses do not have specific conditions or has many conditions, or conflicting conditions. It is anticipated that after reflection some conditional uses could be changed to permitted uses or uses permitted with standards. In addition, for those uses that should be retained as conditional, it is important that the requirements and conditions outlined in the code meet Act 67 requirements. A comprehensive review of conditional uses is recommended as part of the rewrite process.

Further guidance in Act 67 directs those conditions imposed by the zoning authority "must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal."

The code needs to clarify between Variance and Conditional Uses. The code has two Variance types. Area Variances and Use Variances. However, a Use Variance is typically referred to as a Conditional Use Permit. It is suggested to remove the Use Variance and use the Conditional Use Permit process. The following provides a brief overview of a variance and a conditional use. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met. See *Goldberg v. City of Milwaukee Board of Zoning Appeal*, 115 Wis.2d 517, 340 N.W.2d 558 (Ct. App. 1983).

Similarly, a conditional use or special exception permit generally transfers to the purchaser of a property subject to such a permit. However, some communities impose periodic reviews on conditional use or special exception permits and/or issue such permits for specific time periods (e.g., one year).

## Reorganize Permitted and Conditional Uses

Once the land use and land use development standards are reviewed and discussed. Then, additional back and forth can be completed with identifying the land uses that will be Allowed, permitted with standards, conditional use, and not allowed. The annotations provide further guidance on several sections of the Code.

## Evaluate City's Zoning Map

A preliminary comparison was conducted of the City's current Zoning Map. In 2016, the Zoning Map and Future Land Use Maps were made consistent. Thus, there does not seem to be any issues with Zoning Map/Future Land Use consistencies. However, it might be beneficial to reduce the zoning districts even further. Below is the current acreage and percent of each Zoning District. It is suggested to combine General Business and Neighborhood Business, SR3- and SR4, and, MR-10 and MR-8, and incorporate zero-lot line twin homes into either the SR, TR, and/or the MR zoning districts. The table below shows the Zoning Districts, their acreage, and percent of total land. The "blank" parcels are ETZ parcels.

	Acres	Percent
AG	1,297.50	38.39%
CB	41.70	1.23%
GB	10.00	0.30%
NB	10.00	0.30%
PB	295.10	8.73%
GI	558.70	16.53%
HI	7.60	0.22%
SR3	267.50	7.92%
SR4	316.80	9.37%
TR6	45.80	1.36%
MR10	27.10	0.80%
MR8	51.10	1.51%
(blank)	450.60	13.33%
Grand Total	3,379.50	

Additionally, a thorough review the downtown zoning districts and overlay districts was completed. Please see the Appendix A: Downtown Map Districts for review and discussion.

## Improve Zoning as a Tool for Expanding Housing Development Options

The city's existing residential zoning districts are predominantly structured around traditional, single-family houses, duplexes/twin homes, and multi-family housing development. The community is interested in increasing the diversity of housing options available for existing and

new residents. Updates to the residential zoning districts could better reflect modern housing development trends and enable the addition of a greater diversity of housing types for residents. For example, so-called “missing middle housing” types could potentially be identified and allowed in more areas of the city than larger scale, higher density housing types. Missing middle housing types include side-by-side duplexes, stacked duplexes, bungalows, accessory dwelling units, four-plexes, townhouses/rowhouses, live-work units, and small apartment buildings. The scale of these medium density housing types can be designed to be compatible with single-family housing neighborhoods. Options to consider are expanding the housing types allowed in the SR-3 and SR-4 zoning districts and/or creating a new R-3 zoning district. Allowing zero-lot twin-home.

Some potential challenges to be aware of include the existence of small lots in the R-1 and R-2 districts that may not be large enough to accommodate middle density housing types, potential neighborhood residents' concerns about medium and high-density housing types next to single-family homes, and the need for adding standards that will ensure compatibility between different housing types and densities.

Additionally, the city will need to consider Accessory Dwelling Units (ADU's) as an option to address housing. ADU's are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents. Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable. In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.

## Zoning Code Annotation

The following pages contains Zoning Code Annotations. Each section of the Articles of the Chapter have been reviewed and contain notes. The Annotation provides the next steps or other comments to consider during Phase 2 of the zoning code update. Some sections contain more detailed notes, while others provide guidance during the Phase 2 process. The Annotation is broken down by Article. At the beginning, before the Section Annotation, an overview of the major issue with the Article is provided or a proposed reorganization is provided. There is a process to keep note of each current section if moved to another article or section during Phase 2.

The following Color-Coded Actions

The following colors refer to the bullets of the Annotated Sections. While Section Headings also have different colors to show items to stay and items to move to another Article, do not refer to the Section Heading colors because those are for:

1. Staff action/decision to move forward
2. Staff original comments - aqua
3. Attorney review necessary before/after code is re-written





## Article I: General Provisions

### Suggested Reorganization of Chapter

1. Division 1 - Introduction
  - a. Title
  - b. Purpose
  - c. Intent
2. Division II – General Provisions
  - a. Jurisdiction
  - b. Zoning Administration
  - c. Compliance
  - d. Building Permit – need to add language
    - i. Applications for a building permit shall be made in accordance with the requirements of Chapter 102 of the Municipal Code.
3. Legal Provisions
  - a. Authority
  - b. Effective Date
  - c. Violations
  - d. Abrogation
  - e. Interpretation
  - f. Severability
  - g. Repeal
  - h. Statutory References
4. Abbreviations
5. Definitions
6. Land Use Definitions

### **Sec. 114-1. Title.**

1. Ensure the language in this Chapter follows this statement

### **Sec. 114-2. Authority.**

1. Proposed language change
  - a. These regulations are adopted under the authority of Sections 62.23(7) and 87.30 of the Wisconsin Statutes, as amended.

2. Attorney Need to review

### **Sec. 114-3. Legislative intent.**

1. Proposed language change
  - a. It is the general intent of this Chapter to regulate the use of all structures, lands and waters; regulate population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure

safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and provide penalties for its violation.

b. Attorney Review –

## **Sec. 114-4. Purpose.**

1. Attorney Review

## **Sec. 114-5. Appearance of ordinance text.**

1. Attorney Review
2. Necessary?

## **Sec. 114-6. Separability and non-liability.**

1. Attorney Review
2. Can any language be reduced?

## **Sec. 114-7. Abrogation.**

1. Attorney Review
2. Add "However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern" to the end of the existing paragraph.

## **Sec. 114-8. Jurisdiction.**

1. No changes

## **Sec. 114-9. Re-enactment and repeal.**

1. Attorney Review

## **Sec. 114-10. Effective date.**

1. Attorney Review

## **Sec. 114-11. Appendices and checklists.**

1. Remove

## **Sec. 114-12. Rules of interpretation.**

1. Update
2. Attorney Review

## **Sec. 114-13. Word usage.**

## **Sec. 114-14. Statutory references.**

1. Move to legal provision
2. Attorney review

**Sec. 114-15. Abbreviations.**

1. Ensure these abbreviations are used throughout

**Sec. 114-16. Definitions.**

1. Check that Definitions are appropriate and used within the document
2. Add Land Use Definitions here?
  - a. Do not incorporate but have separate and organized by land use category.

**Secs. 114-17—114-37. Reserved.**

## Article II: Standard Zoning Districts

An depth review of the standards were not completed for the Zoning Districts because there are several other items that would need to be completed before addressing the standards.

Additionally, staff will -need to discuss if they prefer to combine zoning districts or not.

1. Review the tables and see how different the tables are between residential uses and non-residential uses.
2. Before changing the land uses tables
  - a. Review the land use standards
  - b. What land uses can be combined or removed
  - c. Then see what land uses can be allowed, permitted, conditional, and not allowed.
  - d. Remove the categories from the land use tables and put land uses in alphabetical order - option.

### **Sec. 114-38. Purpose**

Update after all other edits is complete

### **Sec. 114-39. Standard Zoning Districts categories and standard zoning districts**

1. District Changes Combine/Create
  - a. Review ER, potentially keep
  - b. Combine SR3 and SR4 - review the standards and how this impacts development.
  - c. Combine MR8 and MR10 – review the standards and how this impacts development.
  - d. Create Institutional and Governmental district
  - e. Allow Park uses under institutional or other districts

### **Sec. 114-40. Map of standard zoning districts**

No change to language, but the map will need to reflect any changes.

### **Sec. 114-41. Interpretation of zoning district boundaries**

No changes.

### **Sec. 114-42. Relationship to overlay zoning districts**

After the overlay districts are finalized, review this section.

### **Sec. 114-43. Reserved**

### **Sec. 114-44. Agricultural District**

1. Update purpose potentially.

2. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
3. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, Permitted with standards, Conditional uses, and not allowed. What about temporary uses?
4. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. Review the footnotes, and incorporate, edit, or remove
5. Staff prefers a list for each district instead of a matrix. This will be easier read after significant items are removed.

## **Sec. 114-45. Residential Districts**

1. Make sure the description is a purpose statement.
2. Combine the SR3 and SR 4 district
  - a. Review the differences in standards if any besides density
3. Combine MR-10 and MR -8
  - a. Review the differences in standards if any besides density
4. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
5. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, Permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?
6. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently

- e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.
- f. Need to allow zero-lot line

## **Sec. 114-46. Non-Residential Districts**

1. Make sure the description is a purpose statement.
2. Combine General Business (GB) and Neighborhood (NB) after review of standards
3. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
4. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?
5. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.

## **Sec. 114-47. Industrial Districts**

1. Make sure the description is a purpose statement.
2. After discussion with staff about land uses the following will need to be update development standards. The goal is to remove the excessive amount of development standards.
3. Principal and Accessory land use table to update during Phase 2.
  - a. Update the table to have more permitted uses, reduce the number of conditional uses.
  - b. Provide an exercise if an item that is currently conditional was placed as permitted.
  - c. Staff wants to have Allowed, permitted with standards, Conditional uses, and not allowed.
  - d. What about temporary uses, make items permitted with standards or Conditional, remove temporary uses altogether – see notes in the Article IV about temporary uses?

4. Regulations table to be updated during Phase 2
  - a. This table has a high number of regulations
  - b. Consider removing the minimum zoning district.
  - c. Complete a thorough review of standards.
  - d. Should reflect changes staff made recently
  - e. If Signage is moved to its own chapter, then remove any signage language or update to refer to signage chapter.

## **Sec. 114-48. Planned Development**

Update purpose to align with PUD

## Article III: Overlay Zoning Districts

Update numbering

Separate overlay map is not available on the website, only within the zoning code.

Does the Zoning Map and Overlay need to be within the Municipal Code or just reference, and the most recent gets updated online?

Are all the Community Development Overlays necessary? The Community Gateway Design does not have regulations. The Park regulation should be an allowed use.

Example: Corner of State Street and Union Street

Fitness center is not facing the street correctly.



Figure 4.2: Vacuum Platers Alternative Two(a) Concept



Alternative Two(a) includes a 2.5-story building fronting Union and State Streets with outdoor seating areas on both streets. There is a total of 18,000 sq. ft. of commercial space. The parking lot has 60 spots, including three handicap spaces, with access points on La Crosse Street, on State Street (right-turn only), and on Pine Street. The main design features include:

- Architectural feature at Union/State corner
- Landscaped parking lot
- Variation in building plane and building height
- Incorporate pitched and mansard roofs (to help with the overall scale of the development)
- Building is setback to allow a wider pedestrian zone
- Building fronts the major streets (60% of State Street & 60% of Union Street)
- Parking areas are screened and located in the side/rear of the site
- Provide outdoor seating areas with landscaped edges



## **Sec. 114-81. Purpose.**

## **Sec. 114-82. Overlay zoning categories and districts.**

1. Fix numbering

## **Sec. 114-83. Map of overlay zoning districts.**

1. Overlay map is in the municipal code instead of just referenced. This creates a bigger document. The map is not legible either at this scale.
2. Suggest put the overlay map on the website.

## **Sec. 114-84. Interpretation of overlay zoning district boundaries.**

1. Update language
2. Attorney Review?

## **Sec. 114-85. Natural resource protection overlay zoning categories.**

Discuss with Mark

1. Move definitions to Article I
2. Update allowable land uses after discussion of land use direction
3. Review each land use and propose what to remove/keep/revise in Phase 2
4. Update/reduce language – See Lake Geneva Code for example

## **Sec. 114-86. Community character overlay zoning.**

1. Downtown Design District
  - a. Does the downtown Checklist reflect the proposed architectural design review
  - b. If not, then incorporate the standards into the zoning code
  - c. Ensure no other proposed changes addresses the standards.
  - d. Do not have individuals refer to a checklist, put the checklist here
2. Community Gateway Design
  - a. No current regulations
  - b. Should this be removed?
  - c. Some of this could be achieved by architectural design review
2. Park Overlay District
  - a. Parks should be a land use and allowed in districts

## **Sec. 114-87. Airport overlay zoning.**

Do we need more than “See Chapter 4”?

## **Secs. 114-88—114-113. Reserved.**

## Article IV: Land Use Development Standards

Section 114-114 – 114-131

Sections Reserved 114-132 through 114-158

Land Use Development Standards covers 41 pages and 16,987 words. Beginning with Section 114-121, the land use standards begin. This section is overly detailed. In many instances, Descriptions are included, but are definitions. If a definition/description is included, it should be moved to the definition chapter. The regulations need to be reviewed after a thorough reorganization of land uses is completed.

There should be at most two sentences for most regulations that require regulations. Simple and clear regulations. Should also see if multiple land uses have the same regulations, if so how can the regulations be generalized.

### Proposed Outline

1. General Information
2. Site Restrictions
  - a. Lots shall abut on a public street
  - b. Principal structures per lot
  - c. Public Water and Sewer
    - i. This reduces the need for this to be repeated in the Development Standards section
  - d. Dedicated Street
3. Use Restrictions – See notes on first page that references the land use development standards Page \_\_\_\_ -
  - a. Specified Uses (Permitted, Allowed) – short sentence
  - b. Accessory Uses and Structures
    - i. Accessory Structures in Residential Areas
    - ii. Accessory Structures in Non-Residential areas
    - iii. Fences and gates
      - 1) Fences and gates in Residential Districts
      - 2) Fences and gates in Non Residential Districts
  - c. Retaining Walls
  - d. Conditional Use – short sentence to refer to Section
  - e. Temporary Uses – short sentence
  - f. Reduction or Joint Use
  - g. Substitute Buildings
4. Nonconforming Uses, Structures, and Lots
  - a. Existing Nonconforming Uses
  - b. Existing Nonconforming Structures
  - c. Changes and Substitutions
  - d. Substandard lots
5. Specific Standards
  - a. Home Occupations

- b. Bed and Breakfast Establishments
  - c. Fuel Tanks and Fuel Dispensing Equipment
  - d. Drive-Through Facilities
  - e. Vehicle Washing Facilities
  - f. Outdoor Eating or Drinking Areas or Beer Gardens (not currently in code)
- 6. Other
- 7. Design Review – guide commercial development
  - a. Existing buildings
  - b. Large Commercial Developments
  - c. Architectural Standards
    - i. Building width and façade
    - ii. Loading and mechanical
    - iii. Roof treatments
    - iv. Building materials
    - v. Parking design
    - vi. Outdoor storage and screen
    - vii. Landscaping and greenspace
    - viii. Lighting and utilities
    - ix. Natural resource protection
    - x. Sidewalks and bike paths
    - xi. Vacation and maintenance of buildings
- 8. Multi-family Design Review
  - a. Site design standards
  - b. Pedestrian Circulation and access
  - c. Landscaping and screening
  - d. Lighting and utilities
  - e. Natural resource protection

## Sec. 114-114 General Information

- 1. Depending on the direction of the definitions/descriptions and the updated regulations, this section will need to be updated.
- 2. Omitted uses, should be addressed in other areas “as determined by zoning administrator”
- 3. Discrimination against condominiums, is this necessary? Ask Attorney

## Sec. 114-115 Regulations applicable to all land uses

- 1. Depending on the direction of the definitions/descriptions and the updated regulations, this section will need to be updated.
- 2. Is the number of land-uses per building too much?

## Sec. 114-116 Nonconforming Uses

Review and update per state statutes

## Sec. 114-117 Substandard Lot Regulations

Review and update per state statutes

## **Sec. 114-118 Nonconforming Structures and buildings**

Review and update per state statutes

## **Sec. 114-119 Density and Intensity Standards**

1. This is only a purpose statement. The density and intensity standards are addressed in the zoning district. Should this be a definition or the density/intensity purpose in the zoning districts before the standards table?
2. Remove because this is covered in the Zoning Tables or will be covered in the new format of list instead of tables?

## **Sec. 114-120 Bulk Regulations**

1. This needs to be addresses like density and intensity because this could create an issue. There are standards in Article II Zoning Districts. Then additional requirements here.
2. Remove because this is covered in the Zoning Tables or will be covered in the new format of list instead of tables?
3. This will also be covered in Site Restrictions as identified in new outline.
  - a. Reduced language.

## **Sec. 114-121 Residential Land Uses**

1. The “home/unit” standards are typical but need additional review. Descriptions are included but are definitions. If a definition/description is included, it should be moved to the definition chapter. Complete a thorough review of the regulations.
2. Not all regulations will be necessary after reorganization
3. Update illustrations for clearer pictures and bigger text font.
4. Review the regulations that are already covered after changes are made.
5. Need to allow zero-lot line

## **Sec. 114-122 Agricultural I Land Uses**

1. Cultivation – remove description and regulations.
  - a. Any concerns with removal of regulations?
2. Husbandry – remove description and regulations.
  - a. Any concerns with removal of regulations?
3. Potentially create an Agricultural Uses definition, but not necessary.

## **Sec. 114-123 Institutional Land Uses**

1. There should just be Institutional and Public uses. There should not be a distinction between outdoor and indoor. By combining these two, this removes duplications of regulations.

2. Proposed Definition
  - a. Uses intended for the public good, which are generally (but not always) not-for-profit and are in nature related to civic, religious, educational, health care, or similar services to the public such as Cemeteries, Schools, Hospitals, Religious and charitable institutions, Penal and correctional institutions, Assisted Living facilities, nursing homes, homes for the aged, Clinics, including pharmacies, Day care/Child Care centers, Sports fields, Government and cultural uses.
  - b. How does this impact the use table?
  - c. Would an Institutional District be more helpful?
3. Regulations can be reduced by creating a Traffic, Parking and Access section, which incorporates (b)(2)(b) off-street passenger parking.
4. Keep regulations
  - a. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
  - b. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of six-tenths of one percent. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
    - i. Check the opacity and make sure aligns with other standards in the code.
  - c. A minimum of 30 percent of the development's gross site area (GSA) shall be held as permanently protected green space for indoor institutional uses. This estimate is provided as a general rule of thumb for the convenience of the users of this chapter. Such a yield is not to be considered as ensured by the provisions of this chapter.
    - i. Discuss with Staff
5. Institutional Residential
  - a. If kept, then move description to definition
  - b. Review Regulations with staff
6. Community Living Arrangement
  - a. Change to reference to review 46.03(22)
  - b. Discuss with Mark Steward and City Attorney because of other terms
  - c. Refer to Group Homes instead?

## Sec. 114-124 Commercial Land Uses

1. Many of the uses have descriptions but should be definitions.
2. Definitions need to be moved to definition section if necessary.
3. Put in alphabetical order
4. Office and Personal or Professional Service
  - a. Create Definitions that combines both
    - i. Proposed definition "The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession

5. Indoor Sales or service
  - a. Remove description
  - b. Update this use in all sections of the code
  - c. What about the regulations?
  - d. Does staff want to keep?
  - e. What businesses could take advantage of removal of these regulations?
  - f. What type of businesses does this really regulate?
6. Outdoor Sales or service
  - a. Remove description
  - b. Update this use in all sections of the code
  - c. What about the regulations?
  - d. Staff Comments
    - i. Remove 2a
  - e. Does staff want to keep?
  - f. What businesses could take advantage of removal of these regulations?
  - g. What type of businesses does this really regulate?
7. Indoor maintenance service
  - a. Keep?
  - b. Move description to Definitions
8. In-vehicle sales or service
  - a. Keep?
  - b. Move description to Definitions
  - c. Regulations 2 (a) – (c)
    - i. These should be considered pedestrian access and under the PUD/Arc Standards
  - d. Regulation 2 (d) – Keep/discuss with staff
  - e. Regulation 2 (e) – Keep/discuss with staff
  - f. Regulation 2 (f) – Keep/discuss with staff
  - g. Regulation 2 (g) – Keep/discuss with staff
9. Indoor commercial entertainment
  - a. Description to be moved to definition
  - b. Keep Regulation
10. Outdoor commercial entertainment
  - a. Discuss the description, the last sentence.
  - b. Move description to definition
  - c. Keep regulations
11. Commercial animal boarding
  - a. Discuss the description, the last sentence.
  - b. Move description to definition
  - c. Keep regulations
12. Commercial indoor lodging.
13. Bed and breakfast establishment
  - a. Move description to definition

- b. Proposed definition
  - i. A place of lodging as licensed by the State of Wisconsin which provided eight (8) or fewer rooms for rent to a maximum of twenty (20) tourists or other transients for more than fourteen (14) nights in a twelve (12) month period. The establishment must be the owner's personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.
  - ii. How would this impact any current bed and breakfasts?
  - c. Regulation 2a – Keep
  - d. Regulation 2b – discuss with staff
  - e. Regulation 2c – discuss with staff and update
  - f. Regulation 2d – is this building code?
  - g. Regulation – 2e – put as part of the definition
  - h. Regulation – 2f – put as part of the definition
  - i. Regulation – 2g – is this necessary, is this part of the state regulations?
  - j. Regulation – 2h – put as part of the definition
  - k. Regulation – 2i – necessary
  - l. Regulation – 2j – is this allowed now with the new CUP law? How would the CUP cover this?
  - m. Regulation – 2k – put as part of the definition
  - n. Regulation – 2l – is this allowed now with the new CUP law? How would the CUP cover this?
  - o. Regulation – 2m – is this allowed now with the new CUP law? How would the CUP cover this? Do we have a conditional use template to show how this would be covered?
- 14. Group day care center (nine or more children)
  - a. Update description/definition
  - b. Regulation – 2a – is this allowed now with the new CUP law? How would the CUP cover this?
  - c. Regulation – 2b Keep
  - d. Regulation – 2c - Keep
  - e. Regulation – 2d – Remove
- 15. Boardinghouse
  - a. Staff Comments
    - i. Change to Tourist Room House
  - b. Update description/definition
  - c. Remove regulations
- 16. Sexually oriented land uses.
  - a. Change to Adult-oriented entertainment businesses?
  - b. Review w/ Atty
  - c. Update definition
  - d. Remove rational
  - e. Regulations – Keep
- 17. Vehicle repair and maintenance service.
  - a. Move to definition

## **Sec. 114-125 Storage or Disposal land Use**

1. Indoor storage or wholesaling
  - a. Move to definition
2. Outdoor storage or wholesaling
  - a. Move to definition
  - b. Keep regulations a, c, g, h
  - c. Regulations B should be addressed by zoning districts
  - d. Regulations d, e, f, should be addressed in circulation/access standard
3. Personal storage facility
  - a. Move to definition
  - b. Update definition?
  - c. Regulation a and b should be addressed in conditional use process
  - d. Regulation C – keep?
4. Junkyard or salvage yard
  - a. Move to definition
  - b. Keep regulations
5. Waste disposal facility
  - a. Move to definition
  - b. Keep regulations a – c
  - c. Regulation D – discuss with staff
6. Composting operation
  - a. Move to definition
  - b. Keep regulations
7. Solid waste transfer station and material recovery facility (MRF)
  - a. Move to definition
  - b. Keep regulations

## **Sec. 114-126 Transportation land Use**

1. Off-site parking lot
  - a. Move to definition
  - b. Keep regulations
2. Airport/heliport
  - a. Move to definition
  - b. Regulations should be covered by the airport ordinance
3. Trucking facility
  - a. Move to definition
  - b. Update definition
  - c. Keep regulations
4. Indoor vehicle storage
  - a. Keep?
  - b. Move to definition
  - c. Update definition



## Sec. 114-127 Industrial land Use

1. Light industrial land use
  - a. Move and update definition
  - b. Keep Regulations
2. Heavy industrial land use
  - a. Move and update definition
  - b. Keep Regulations
3. Towers
  - a. Remove because this is covered in Communication towers
4. Extraction use
  - a. Move and update definition
  - b. Keep Regulations a and b
  - c. Regulation C should be covered under CUP

## Sec. 114-128 Accessory Land Use

Proposed outline (eliminates need for portions of the Regulations table in the Zoning District Article). It is possible that this Article will need to be reorganized if this section uses the proposed outline below.

1. Use Restrictions – See notes on first page that references the land use development standards
  - a. Specified Uses (Permitted, Allowed) – short sentence
  - b. Accessory Uses and Structures
    - i. Accessory Structures in Residential Areas
    - ii. Accessory Structures in Non-Residential areas
    - iii. Fences and gates
      - 1) Fences and gates in Residential Districts
      - 2) Fences and gates in Non Residential Districts
  - c. Retaining Walls
  - d. Conditional Use – short sentence to refer to Section
  - e. Temporary Uses – short sentence
  - f. Reduction or Joint Use
  - g. Substitute Buildings

Below are comments for the existing, if there is a wish to keep this language at all.

1. Commercial Apartment
  - a. [Staff Comments](#)
    - i. [Update language to allow for basement apartments but not first floor](#)
  - b. Review this further, should this be under accessory land use?
2. Minor accessory structures.
  - a. Move and update description
  - b. Regulations review further
3. Company provided on-site recreation
  - a. Remove

4. Indoor sales incidental to storage or light industrial land use.
  - a. Move and update description
  - b. Regulations review further
5. Light industrial activities incidental to indoor sales or service land use
  - a. Move and update description
  - b. Regulations review further
  - c. Staff comments
    - i. Change 15% to 30%
6. Home Occupation
  - a. Move and update description
  - b. Update regulations/standards
7. Family Day Care
  - a. Move/update definition to reflect state statutes
8. Intermediate Day Care
  - a. Move/update definition to reflect state statutes
9. On-site parking lot
  - a. Move and update description
  - b. Update regulations/standards
10. Private residential recreational facility
  - a. Move and update description
  - b. Update regulations/standards
11. Private residential kennel
  - a. Move and update description
  - b. Update regulations/standards
12. Private residential stable
  - a. Move and update description
  - b. Update regulations/standards
13. Individual septic disposal system
  - a. Move and update description
  - b. Update regulations/standards
  - c. Is this regulated elsewhere?
14. Exterior Communication devices
  - a. Keep?
  - b. Move/update definition
  - c. Make sure regulations are line with state laws
  - d. Discuss with Attorney
15. Caretakers Residence
  - a. Move/update definition, include the one regulation in the definition.
16. Piers and wharfs
  - a. Move and update description

- b. Update regulations/standards
- c. Discuss with staff and how these effects other areas of code and vice versa

## Sec. 114-129 Temporary Land Use

1. Proposed - Change temporary use definition to
  - a. Temporary uses such as shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. All other temporary uses are considered conditional uses requiring review, public hearing, and approval in accordance with \_\_\_\_.
  - b. Then remove the individual items below, if not then follow the below suggestions.
2. General temporary outdoor sales
  - a. Move and update description
  - b. Update regulations/standards
3. Outdoor assembly
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
4. Relocatable building
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
5. On-site real estate sales office
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?
6. Seasonal outdoor sales of farm products
  - a. Move and update description
  - b. Update regulations/standards
  - c. Does this need to be regulated?

## Sec. 114-129 Group Developments

1. Discuss with Mark
2. Regulations should be controlled under CUP for safety

## Article V: Performance Standards

1. It is suggested to reorganize this Article. Several items could be moved to Article I General Provisions or the reserved section Article VI. The Sections highlighted in orange, can be moved to Article I or Article VI. If moved to Article VI, we will need to decide on the Article title. Usually, these items are under the title, "Traffic Visibility, Loading, Parking, and Access".
2. Then the Performance Standards should be reorganized into the following order.
  - a. One purpose Statement
  - b. Noise
  - c. Vibration
  - d. Odor
  - e. Waste
  - f. Toxic, hazardous, and Radioactive materials
  - g. Fire and explosive hazards
  - h. Lighting and glare
  - i. Heat
  - j. Electromagnetic interference
  - k. Storage of Vehicles
3. Proposed Performance Standards Purpose statement/definition
  - a. The performance standards set forth in this subsection are applicable to all land uses and activities except where otherwise indicated, and are designed to protect the public health, safety, and welfare and to protect, maintain, and enhance the quality of the natural environment of the community. All uses shall be conducted in such a manner so as not to cause any significant nuisance, hazard, or commonly recognized offensive conditions or characteristics, including significant emission of dust, gas, smoke, noise, fumes, odors, particulate matter, chemical compounds, humidity, heat, cold, glare, or night illumination or the creation of external vibration or electrical disturbance. Prior to issuance of a zoning permit, building permit, or certificate of occupancy for any use, the Zoning Administrator or Building Inspector may require evidence that adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive condition.

### Sec. 114-159 Access Standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

### Sec. 114-160 Visibility Standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

### Sec. 114-161 Off-street parking and traffic circulation standards

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)

2. Review and update any inconsistencies.

## **Sec. 114-162 Off-street loading Standards**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update any inconsistencies.

## **Sec. 114-163 Exterior Storage Standards**

1. Remove purpose because there will be one purpose statement
2. Review this with staff and compare to other municipalities
3. Move definitions to definition section
4. Reduce language
5. Move to proposed Design Review under Article IV Land Use Development standards/check language

## **Sec. 114-164 Exterior Lighting Standards**

1. Remove purpose because there will be one purpose statement
2. Review this with staff and compare to other municipalities
3. Move definitions to definition section
4. Reduce language
5. Move to proposed Design Review under Article IV Land Use Development standards/check language

## **Sec. 114-165 Vibration Standards**

1. Suggested Language
  - a. No land use activity shall be conducted in such a manner as to cause earthborn vibrations on neighboring properties of sufficient intensity, frequency, duration, or other characteristics or any combination of the foregoing, as to unreasonably interfere with the use and enjoyment of such neighboring properties for uses lawfully permitted thereon, or to cause damage to real or personal property thereon

## **Sec. 114-166 Noise Standards**

1. Suggested language
  - a. No land use activity shall be conducted in such a manner as to generate sound which, because of its volume, pitch, frequency, repetitiveness, duration or other characteristics or any combination of the foregoing, unreasonably interferes with the use and enjoyment of neighboring properties for uses lawfully permitted thereon.

## **Sec. 114-167 Air Pollution Standards**

1. Remove or reduce language

## **Sec. 114-168 Odor Standards**

1. Suggested Language
  - a. No land use shall cause any odor that is offensive to a person of reasonable sensibilities detectable at any lot line of any lot in a residential district for periods exceeding a total of 15 minutes of any day

## **Sec. 114-169 Electromagnetic Radiation Standards**

1. Combine with Toxic or noxious materials and rename to "Toxic, Hazardous, and Radioactive materials. Change the language.

## **Sec. 114-170 Glare and Heat Standards**

1. Reduce language

## **Sec. 114-171. Fire and explosion standards.**

1. Reduce language

## **Sec. 114-172. Toxic or noxious material standards.**

1. See comments under Sec. 114-169

## **Sec. 114-173. Waste material standards.**

1. Suggested language
  - a. No use or activity shall be so conducted as to cause the harmful discharge of any waste materials per §§11.035(1)(c) and (6), 8.53(2)(e)-(f), 8.70, 9.07(5), 10.05(2), 11.03(7), and 11.035(6) and other applicable sections of the Municipal Code and state and federal law.

## **Sec. 114-174. Exterior construction material standards.**

1. Review and reduce language
2. Architectural design review?
3. Staff comments
  - a. Item B to be removed.

## **Sec. 114-175. Roof and eave standards.**

1. Move to Design Review/ architectural Standards, which does not exist currently
  - a. Suggest moving under land use Development standards section
2. Update language
3. Staff comments
  - a. Make exceptions for homes damaged by natural causes and manufactured homes

## **Sec. 114-176. Hazardous materials standards.**

1. See comments under Sec. 114-169

## **Sec. 114-177. Fencing standards.**

1. Review and make sure fits City's standards
2. Move to general provisions, or Development Standards under Use Restrictions Article IV.
3. New Language

## **Sec. 114-178. Signal receiving antennas (satellite dishes) standards.**

1. Is this under communication towers?
2. Can it be incorporated into communication tower standards?

## **Sec. 114-179. Wind energy conversion systems (WECS) standards.**

1. Move to general provisions?
2. Not sure on this one

## **Sec. 114-180. Swimming pool standards.**

1. This would be covered under the new proposed Accessory Use and Structures section

## **Sec. 114-181. Outdoor storage and screening.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update any inconsistencies.

## **Sec. 114-182. Landscaping and greenspace.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. References to tables are incorrect.
3. Tables are numbered incorrectly also.
4. Change to Parking Area landscaping requirements.
5. Review the requirements in detail.
6. Update language for ease of use.

## **Sec. 114-183. Natural resources protection.**

1. This should be under Article I, In General.

## **Sec. 114-184. Sidewalk and bike paths.**

1. Move to general provisions or Traffic Visibility, Loading, Parking, and Access (Article VI)
2. Review and update

## **Sec. 114-185. Vacation and maintenance of buildings.**

1. This refers to Conditional Use Permits.
2. Ask Attorney is this allowed?
3. If allowed, this should be reviewed and potentially moved to the Conditional Use Permit section or would this be under Enforcement.
4. Does the City want to enforce this?
5. Does the City have capacity to enforce this?
6. Move to Design Review

## **Sec. 114-186. Administration and enforcement of performance standards.**

1. This should be incorporated into Article VIII

## **Secs. 114-187—114-220. Reserved.**



## Article VI: Reserved

1. This Article can be used for the items in orange from Article V or used for Planned Unit Development District. However, it is suggested that if the PUD/PD has its own article, then the article should be after Article II Standard Zoning Districts, thus ordering the Articles entirely. Additionally, the Standard Zoning Districts could be renamed to Zoning Districts and the overlay Districts can be included in Article III, Zoning Districts (renamed). Then, the Planned Unit Development/PD can be Article III.

## Article VII: Sign Regulations

This chapter also contains conditional uses. It is suggested that if the Sign Code becomes it's own chapter, then a waiver can be granted instead of a conditional use.

Proposed Outline

1. Permit Required
2. General Regulations
3. Definitions and Requirements
4. Permit Exempt Signs
5. Prohibited Signs
6. Application for a Sign Permit
7. Zoning District Regulations for Permanent Signs
  - a. Types Allowed
  - b. Sign Type by district/category
    - i. Max Area
    - ii. Max Height
    - iii. Minimum Setback
8. Regulations for Temporary Signs
9. Non-Conforming Signs
10. Dangerous and Abandoned signs; violations

### **Sec. 114-253. Permit required.**

Review for consistency.

### **Sec. 114-254. General regulations.**

Review for consistency.

### **Sec. 114-255. Definitions and requirements.**

Staff Comments

114-258-114-255 one section says no flashing lights and one says 25% or a sign can contain flashing elements

Review definitions for any inconsistencies, review if any definitions are in Article I

### **Sec. 114-256. Excluded items.**

Review for consistency.

### **Sec. 114-257. Permit exempt signs.**

Review for consistency.

## **Sec. 114-258. General signage regulations.**

Staff Comments

114-258-114-255 one section says no flashing lights and one says 25% or a sign can contain flashing elements

Review for consistency.

## **Sec. 114-259. Zoning district regulations.**

Review standards in more detail.

Removing Conditional use or review in detail. If this is moved to another chapter, then a waiver can be applied instead of a conditional use.

## **Sec. 114-260. Nonconforming signs.**

Review for consistency.

## **Sec. 114-261. Dangerous and abandoned signs; violations.**

Review for consistency.

## **Secs. 114-262—114-283. Reserved.**

## Article VIII: Procedures and Administration

1. Rename to Administration and Enforcement
2. It is suggested to reorganize this Article. The Sections highlighted in orange, can be moved to another article or chapter. The sections are noted for action.

### Sec. 114-284. Purpose.

1. This will need to be updated once all other items are finished because these references the items in the Zoning Code
2. Proposed language below – both will need to be incorporated into one. The first covers \_\_\_\_ and the second covers amendments
  - a. This chapter contemplates an administrative and enforcement officer entitled the "zoning administrator" to administer and enforce this chapter. Certain considerations, particularly with regard to granting of permitted conditional uses, PUD conditional uses, changes in zoning districts and zoning maps, and amending the text of this chapter, require review and recommendation by the plan commission and ultimate action by the City Council. A zoning board of appeals is provided to ensure proper administration of this chapter and to avoid arbitrariness.
  - b. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the village board may, by ordinance, change the district boundaries established by this chapter and the zoning map incorporated in this chapter and the supplementary floodplain zoning map incorporated in this chapter or may amend, change, or supplement the text of the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the plan commission.
3. Suggested Reorganization
  - a. Zoning administrator.
  - b. Role of Specific City Officials
    - i. Plan commission.
    - ii. City Council
    - iii. Zoning board of appeals.
  - c. Zoning Permits
    - i. Zoning permits for permitted uses.
    - ii. Zoning permits for conditional uses.
    - iii. Zoning permits for temporary uses.
  - d. Zoning certificates of occupancy.
  - e. Site plan approvals.
  - f. Violations and penalties.
  - g. Fees.
  - h. Changes or Amendments
    - i. Amendments to the text of these zoning regulations.

- ii. Amendments to the official zoning maps.
- i. Appeals of zoning decisions.
- j. Variances.

## **Sec. 114-285. Amendments to the text of these zoning regulations.**

1. Item should be under one heading "Changes or Amendments" and combined with Sec. 114-286. Both should be incorporated into one.
2. Proposed outline
  - a. Authority
  - b. Application
  - c. Procedure for changes or amendments.
    - i. Request for changes
    - ii. Recommendations
    - iii. Hearings
    - iv. Action
    - v. Fee.
  - d. Protest
    - i. Text
    - ii. State Law reference— Similar provisions, Wis. Stats. § 62.23(7)(d)2m.
  - e. Appeals
  - f. Applications for hearings
  - g. Hearings (refer to this section for other public hearing processes)
  - h. Decision and Disposition of cases

## **Sec. 114-286. Amendments to the official zoning maps.**

1. Item should be under one heading "Changes or Amendments" and combined with Sec. 114-285. Both should be incorporated into one.
2. See proposed outline under 114-285

## **Sec. 114-287. Zoning permits for permitted uses.**

1. Item should be under one heading "Zoning Permits" and Sec. 114-288, and Sec. 114-289 should be incorporated into one process.

## **Sec. 114-288. Zoning permits for conditional uses.**

1. Item should be under one heading "Zoning Permits" and Sec. 114-287, and Sec. 114-289 should be incorporated into one process.
2. Update any conditional use language to comply with WI Act 67 from the end of 2017.

## **Sec. 114-289. Zoning permits for temporary uses.**

1. Item should be under one heading "Zoning Permits" and Sec. 114-287, and Sec. 114-288 should be incorporated into one process

## **Sec. 114-290. Sign permits.**

1. Suggest moving to another chapter with the sign code

## **Sec. 114-291. Site plan approvals.**

1. Remove purpose because the new Article purpose will cover the purpose
2. Verify all application requirements are suitable for staff.
  - a. Are there any additions or edits?
3. Site evaluation worksheet is mentioned.
  - a. Does a site evaluation worksheet exist?
  - b. This is Definitions also.
4. Application process needs to be included such as how many copies, and when to submit
5. Add Reimbursement of consulting and legal fees.
6. Remove the process for the zoning administration. This provides the exact details that the zoning completes but should be expected to follow. The additional language is not necessary.
  - a. Discuss with Randy/Tony Required Procedure for submission and review.
  - b. **Attorney comment?**
7. Update the Standard of review
  - a. Change to "Requirements. IN acting on any site plan, the Plan Commission shall consider the following:
    - i. Review the standards
    - ii. Make sure references are correct and update.

## **Sec. 114-292. Zoning certificates of occupancy.**

1. Update and reduce language

## **Sec. 114-293. Variances.**

1. As noted under Major Themes, the code needs to clarify between Variance and Conditional Uses. The code has two Variance types. Area Variances and Use Variances. However, a Use Variance is typically referred to as a Conditional Use Permit. It is suggested to remove the Use Variance and use the Conditional Use Permit process for Use Variance. The following outlines change for the Area Variance.
2. Proposed outline
  - a. Purpose
  - b. Application and procedure for variances
    - i. See public hearing process above
  - c. Public hearing of application
  - d. Action of board of appeals; standards.
  - e. Conditions
3. Remove instructions of the Zoning Administrator
4. Additional Requirements in floodplain districts section
  - a. Keep/Remove?

5. Stay of Proceedings
  - a. Keep/Remove?
6. Notice to the DNR
  - a. Keep/Remove?

## **Sec. 114-294. Interpretations.**

1. Move to Article 1
2. Update language

## **Sec. 114-295. Appeals of zoning decisions.**

1. Reduce and update language
2. Does the language for Wetland and floodland mapping disputes, under the current Sec 114-300, need to be addressed here?

## **Sec. 114-296. Planned development district procedures**

1. Move to Article VI as a standalone, or Article II in the current PUD section, or to Article VIII as stand alone.
2. The current language describes too much detail that is not relevant for the applicants. Thus, the goal would be to update the language to be specific as to what the applicants needs to do, submit, and what to expect.
3. Update purpose and intent language
4. Proposed Outline
  - a. Purpose and Intent
  - b. General Provisions
    - i. Permitted uses
    - ii. Mixed uses
    - iii. Number of buildings
    - iv. Density, intensity, and bulk
    - v. Parking requirements
    - vi. Minimum area for PUD
  - c. Approval Criteria for PUD
  - d. Quality Design
  - e. Application and Procedural Requirements
    - i. Pre-App conference
    - ii. Concept Plan
    - iii. GDP
    - iv. Specific Implementation Plan
    - v. Combining Steps
    - vi. Conditions/Restrictions
    - vii. Changes / Revisions
5. How is the ETZ impacted/involved?

**Sec. 114-297. Zoning administrator.**

1. Should be Item number two
2. Reduce and update language

**Sec. 114-298. Plan commission.**

1. Update language
2. See suggested reorganization

**Sec. 114-299. Reserved.****Sec. 114-300. Zoning board of appeals.**

1. Reduce and update language
2. See suggested reorganization

**Sec. 114-301. Fees.**

1. Reduce and update language

**Sec. 114-302. Violations and penalties.**

1. update language
2. Make sure references to General Provisions/Article II/Division 1 and 2 are referenced
3. Attorney review/comments on current language first