

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 550.10.01: Purpose

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

Section 550.10.02: Exempt Activities

The following activities do not require review or approval by the City under this Chapter.

- (1) Official public information installed by or at the direction of a governmental unit.
- (2) The maintenance or improvement of a public road, sidewalk, or railroad track within the boundaries of the right-of-way.
- (3) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on established rights-of-way of any sewer and water mains and laterals, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

Sections 550.10.03 to 550.10.09: Reserved

Section 550.10.10: Zoning Administrator

The Zoning Administrator is hereby designated as the administration and enforcement officer for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. Examples of duties include:

- (1) Maintain records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, planned developments, occupancy permits, variances, appeals, interpretations, and applications thereof.
- (2) Receive, review, analyze, and develop written reports on all applications for amendments to this Chapter, zoning map amendments, conditional use permits, temporary use permits, land use permits, site plans, special area design review, planned developments, interpretations, variances, appeals, violations and penalties, or other development matters.
- (3) Serve as staff to the Plan Commission, Zoning Board of Appeals, and other boards and commissions as assigned.
- (4) Issue land use permits when the requirements of the Chapter have been met, and make and maintain records thereof.
- (5) Coordinate official development review processes among government offices to the extent feasible.
- (6) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.
- (7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required. Issue citations for the enforcement of this Chapter.
- (8) Make interpretations regarding the provisions of this Chapter per Section 550.10.50.

Section 550.10.11: Plan Commission

- (1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the City to the Common Council, other public officials, and other interested organizations and residents. The Plan Commission is established in [Chapter 24](#) of the City of Watertown Municipal Code.
- (2) General Duties and Responsibilities. The Plan Commission shall:
 - (a) Approve a recommended annual budget for the Plan Commission; when requested, review and comment on the budgets of agencies or functions that pertain to planning.
 - (b) Develop, adopt, and review the City Comprehensive Plan and elements thereof, including elements applicable to extraterritorial areas.
 - (c) Make reports and recommendations relative to the planning and development of the City and its environs to public officials and agencies; utility companies; civic, educational, professional, and other organizations; and residents and other community stakeholders.
 - (d) Receive referrals pursuant to Wis. Stats. § 62.23(5) and (6), or otherwise, and make reports upon the following matters: the location and architectural design of public buildings; the location of statues or memorials; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, parking areas, or memorials or public grounds; the location, extension, abandonment or authorization for any public utility; plats of land or certified survey maps within the City limits or within the extraterritorial plat review jurisdiction; location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, redevelopment, and the amendment or repeal of any zoning or official map ordinance. Referrals and reports under this section are in addition to zoning/design reviews under other provisions of the Zoning Ordinance.
 - (e) Additional Duties and Responsibilities. The Plan Commission shall have such powers under Wisconsin Statutes, or City Ordinances as may be necessary to enable it to perform its functions and promote municipal planning.
- (3) Except where they are the final step in the review process as established by this Chapter, the functions of the Plan Commission are recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters, and always being mindful of the intent and purposes of this Chapter.
- (4) See [Figure 550.10.20a](#) for a summary of the Plan Commission's role in administering this Chapter.

Section 550.10.12: Common Council

- (1) The Common Council, the governing body of the City, subject to recommendations by the Plan Commission, has ultimate authority to adopt changes and amendments to this Zoning Ordinance and the Official Zoning Map and other functions as determined by this Chapter. The Common Council is established in [Chapter 114](#) of the City of Watertown Municipal Code.
- (2) See [Figure 550.10.20a](#) for a summary of the Common Council's role in administering this Chapter.

Section 550.10.13: Zoning Board of Appeals

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

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- (1) Appointments, Terms, Rules, and Procedures. The Zoning Board of Appeals shall be appointed and shall be governed as to terms, vacancies, removals, and as to rules and procedures by Wis. Stats. § 62.23(7)(e).
- (2) Public Hearings. The Zoning Board of Appeals shall conduct a public hearing on all administrative appeals, variances and other decision matters before it and shall cause a Class 1 Notice under Wis. Stats. Chapter 985 to be published and shall give due notice of the hearing to all parties in interest.
- (3) Procedure and Record. Any party may appear in person or by agent at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses. All testimony before the Board by persons other than Board members and all documentary evidence or material pertaining to matters before the Board shall be received at hearings conducted by the Board, provided that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts that may have a bearing on the matter before the Board shall enter the same into the record of the hearing and opportunity shall be allowed for comment on such entries.
- (4) Deliberations and Decisions. The Board shall deliberate on matters before it. The concurring vote of a majority of the members of the Board present shall be necessary to approve any appeal, variance, or other decision by the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the Ordinance and the Board shall decide all matters before it within a reasonable time.
- (5) Powers. The Board of Appeals shall have the powers established in Wis. Stats. § 62.23(7)(e). Examples of such powers include:
 - (a) Hear Appeals. To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision, or determination made by the Zoning Administrator.
 - (b) Authorize Variances. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.
 - (c) Extend Districts. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of adoption of this Chapter.
 - (d) Interpret Ordinances. Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.
 - (e) Vary Height and Area Regulations. To vary height and area regulations where there is an exceptional or unusual physical condition of the lot, which condition is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this Chapter would present a reasonable or sensible arrangement of structures on the lot.
 - (f) Vary Parking Regulations. To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking spaces required by this Chapter.
- (6) See Figure 550.10.20a for a summary of the role of the Zoning Board of Appeals in administering this Chapter.

Section 550.10.14: Historic Preservation Commission

- (1) The Historic Preservation Commission purpose, powers, and duties are established within Section 550.02.22, Section 550.07.51, and Chapter 325 of the City of Watertown Municipal Code.

Section 550.10.15 to 550.10.19: Reserved

Section 550.10.20: Review and Approval Required

- (1) Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to three common elements:
 - (a) Submittal of a complete application, including fee payment and appropriate supplemental information.
 - (b) Review by appropriate City staff or officials.
 - (c) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.
- (2) Figure 550.10.20a summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed zoning procedures are discussed in Section 550.10.30 through 10.10.53 of this Article. Figure 550.10.20a is provided as a convenience for the City and general public.

Figure 550.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	Common Council	Zoning Board of Appeals	Historic Preservation Commission
RE = Review and Evaluate, IP = Issues Permit, RR = Review and Recommend, PH = Public Hearing, PM = Public Meeting, A = Final Action					
Annexation (Wis. Stats. §66.0217)	RE	RR	A		
Appeal (§550.10.52)	RR			PH, RE, A	
Building Permit	RE, IP	See Chapter 253 of the Municipal Code			
Concept Plan Review (§550.10.23)	RR		RE		See Section 550.07.51
Conditional Use Permit (§550.10.32)	PM*, RR	PH, RE, A		Appeal	
Design Standard Exception/Waiver (Article VII)	RR	RE, A			See Section 550.07.51
Easement Acceptance/Release (Wis. Stats. §62.23)	RE, A		RE, A		
Group Development (§550.06.02)	PM*, RR	PH, RE, A		Appeal	
Interpretation (§550.10.50)	RE, A			Appeal	
Land Division-CSM (Chapter 545)	RE	RR	A		
Land Division-Preliminary Plat (Chapter 545)	RE	RR	A		
Land Division-Final Plat (Chapter 545)	RE	RR	A		
Official Map (§Wis. Stats. §62.23(6))	PM, RE	PH, RR	A		
Planned Development (§550.10.45)	PM*, RE	PH, RR	A		
Sign Permit		Refer to Article IX			See Section 550.07.51
Site Plan (§550.10.43)	RE, RR	A			See Section 550.07.51
DMU Design Review (§550.07.51)			See Section 550.07.51		
Street Vacation/Discontinuance (Wis. Stats. §66.1003)	RE	RR	PH, A		
Temporary Use (§550.03.30)	RE, IP				
Variance (§550.10.51)	RE			PH, A	
Violations and Penalties (§550.10.60)	RE, A				
Zoning Map Amendment (§550.10.30)	PM*, RE	PH, RR	A		
Zoning Ordinance Amendment (§550.10.30)	RE	PH, RR	A		
Zoning Permit (§550.10.41)	RE, IP				

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary or appropriate by the Zoning Administrator.*

Commented [SK1]: Plan Commission Question: Appeal to Council instead of ZBA?

Commented [SK2]: Plan Commission Question: Appeal to Council instead of ZBA?

Section 550.10.21: Notice of Public Hearings

In order to allow owners of property and other legitimately interested parties to have a fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

- (1) Notice of any public hearing which the Common Council, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.
- (2) The notice for variances shall be published as a Class 1 notice. The notice for zoning ordinance amendments, zoning map amendments, and conditional use permits shall be published as a Class 2 notice.
- (3) The notice of public hearing shall be published in a newspaper of general circulation in the City before the public hearing, as prescribed by Wis. Statutes or local ordinances.
- (4) Notice of the public hearing shall be mailed to the last known address of all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of record of all lots or parcels adjacent extending 300 feet therefrom, or directly opposite thereto extending 300 feet from the street frontage of such; the owners of all lands included in the petition; and the owner or operator of an airport lying within 1 mile of lands included in the petition.

Section 550.10.22: Neighborhood Meetings

- (1) For proposals that are likely to generate a lot of public interest, the Zoning Administrator has the discretion to require the applicant to hold a neighborhood meeting. Such meetings shall provide an opportunity for interested parties to examine the proposal and allows the applicant to provide a thorough explanation of the proposal, answer questions from the public and City, and potentially amend the proposal based on public input.
- (2) Where a neighborhood meeting is required by the Zoning Administrator, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 300 feet of the subject property of the proposal to solicit comments and address concerns. The City shall supply a list of property owners to the applicant upon request.
 - (a) The neighborhood meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator.
 - (b) The Zoning Administrator shall be notified of and invited to the neighborhood meeting. Attendance by the Zoning Administrator or other City staff shall not be required. If in attendance, City staff may provide information regarding applicable City requirements and procedures.
 - (c) The neighborhood meeting shall be noticed in a manner consistent with City requirements.
 - (d) Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City.
 - (e) The neighborhood meeting shall be held prior to review and action by the Plan Commission.
 - (f) Alternative to a Neighborhood Meeting. Instead of a neighborhood meeting, notification by mail introducing and informing property owners within 300 feet of the subject property of the proposal may substitute for a public meeting, if deemed appropriate by the Zoning Administrator.

Commented [SK3]: This is completely optional and would be hosted and arranged by the developer/applicant. It may be useful to have in the code for guidance.

Section 550.10.23: Concept Plan Review

Commented [SK4]: Optional but provides guidance in cases where this makes sense

- (1) The Zoning Administrator has the discretion to require a concept plan review of the project by the Plan Commission or Historic Preservation Commission, or an applicant may request a concept plan review prior to submitting a formal application. Such a review is at the concept level and is not binding.
- (2) The preferred procedure is for one or more iterations of Plan Commission or Historic Preservation Commission review of the concept plan to occur prior to introduction of a formal application. The purpose of this meeting, or meetings, is to allow the Plan Commission or Historic Preservation Commission to discuss the possible application; general statistics on the project; the environmental, economic, social and other benefits of design to be obtained from the proposal; and whether there is a need for planned development district zoning (why a standard zoning district will not suffice). No formal action will be taken by the Commission. After this meeting or meetings, the applicant may then submit a formal application pursuant to the procedures pertaining to applicable process in Article X.
- (3) Application. An application for concept plan review shall include the following items, if applicable (digital files shall be submitted whenever possible).
 - (a) Contextual information such as a location map, photos of the site and surrounding properties, and topography.
 - (b) A general written description of the proposed project, including:
 1. General project themes and design.
 2. The general mix of dwelling unit types and/or land uses.
 3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
 4. General treatment of natural features.
 5. Relationship to nearby properties and public streets.
 6. Relationship of the project to the Comprehensive Plan.
 7. Description of any potential exceptions/base standard modifications from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by potentially making exceptions to standard zoning district requirements.
 - (c) A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
- (4) Without taking formal action, the Plan Commission or Historic Preservation Commission shall comment on the concept plan to help inform the applicant's decision whether to proceed with the project. The Commission may request that additional materials be submitted to assist in communicating the nature of the site and its context. If the proposed project relates to a property located within the Downtown Mixed Use Zoning District, the concept shall also be submitted for review to the Historic Preservation Commission.
- (5) To facilitate their review of the concept plan, the Plan Commission may determine that there is a need for a public meeting following the procedures of Section 550.10.22.

Section 550.10.24 to 550.10.29: Reserved

Section 550.10.30: Zoning Ordinance or Zoning Map Amendment

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter or the Official Zoning Map. Refer also to the requirements of Wis. Stats. § 62.23(7)(d).
- (2) Initiation of Request for Amendment. Proceedings for an amendment of this Chapter or the Official Zoning Map may be initiated by one of the following methods:
 - (a) An application by any member of the general public (only applicable to amendments of this Chapter).
 - (b) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property (only applicable to amendments of the Official Zoning Map).
 - (c) A recommendation by the Plan Commission to the Common Council.
 - (d) Action of the Common Council.
 - (e) A recommendation by City staff.
- (3) **Application Requirements.** See the City of Watertown Zoning Amendment application.
- (4) Review by the Zoning Administrator.
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant and the application will not be forwarded.
 - (b) Findings of Fact. The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:
 1. Advances the purposes of this Chapter as outlined in Section 550.01.03.
 2. Advances the purposes of the general Article and specific Section in which the amendment is proposed to be located.
 3. Is consistent with the Comprehensive Plan. If the proposed amendment is not consistent, and amendment to the Comprehensive Plan is required prior to rezoning.
 4. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 5. For Zoning Ordinance Amendments, addresses any of the following factors that may not be addressed in the current zoning text:
 - a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
 - b. New methods of development or types of infrastructure.
 - c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
 - d. Any other factor deemed appropriate by the City.
 6. For Zoning Map Amendments, addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
 - a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.

Commented [SK5]: In the new draft code, application requirements will live in application forms (outside of the ordinance). This makes maintaining the requirements easier over time (no ordinance amendment necessary) and can make them more accessible to customers (they have to read an application form which is usually in plain language as opposed to an ordinance).

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- b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
 - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
- (c) The Zoning Administrator shall prepare a written report addressing items in Subsection (4)(b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (d) The findings of fact required by this section are directory to the Zoning Administrator. No deficiency in the findings or failure to make any or all findings shall affect the power of the Plan Commission to make a recommendation or the Common Council to adopt or reject the proposed amendment.
- (5) Neighborhood Meeting. If proposed amendment to the Official Zoning Map is expected to have significant impact on other properties, the Zoning Administrator, may require a meeting in compliance with Section 550.10.22.
- (6) Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 550.10.21 to consider the request. A public hearing may be held more than 90 days from the filing of the complete application when requested by the applicant in writing.
- (7) Review and Recommendation by the Plan Commission.
 - (a) Within 60 days after the public hearing, the Plan Commission shall make its recommendations regarding the application. Said recommendation shall include issuance of formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b), above, and whether the public benefits outweigh the potential adverse impacts of the proposed amendment.
 - (b) If the Plan Commission fails to make a recommendation within 60 days of the public hearing, the Common Council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said recommendation from the Plan Commission shall not preclude the Common Council from taking final action nor shall any deficiency in the findings of fact or failure to make any findings affect the power of the Common Council to adopt or reject the amendment. If a public hearing is necessary, the Common Council shall provide notice in compliance with the requirements of Section 550.10.21.
- (8) Review and Action by the Common Council.
 - (a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.
 - (b) The Common Council may refer the matter back to the Plan Commission. In such cases, the Common Council shall specify the issue(s) to be addressed in further detail.
 - (c) The Common Council may take final action (by ordinance) on the application at the time of its initial meeting or may continue the proceedings by its own decision or the applicant's request.

Commented [SK6]: In the new code, Public Hearings for all applications are in front of the Plan Commission rather than the Council

The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.

- (d) If the Common Council wishes to make significant changes to the proposed amendment, as recommended by the Plan Commission, the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Common Council action.

Section 550.10.31: Reserved

Section 550.10.32: Conditional Use Permit Procedures

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (2) Applicability. There are certain uses, which because of their unique characteristics, may have specific standards, regulations, or conditions established.
- (3) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) or authorized agent of the owner(s) of the subject property.
- (4) Application. See the City of Watertown Conditional Use Permit application.
- (5) Review by Zoning Administrator.
 - (a) The Zoning Administrator shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator shall return the application to the applicant for submission of a complete application.
 - (b) The Zoning Administrator may coordinate review with other City Departments.
 - (c) The Zoning Administrator shall review the complete application and evaluate the proposed conditional use against the findings listed in Subsection (8), below.
 - (d) The Zoning Administrator shall prepare a written report addressing the items under Subsection (8), below, to be forwarded to the Plan Commission for the Commission's review. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (6) Public Hearing. Within 60 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 550.10.21 to consider the request. A public hearing may be held more than 60 days from the filing of the complete application when requested by the applicant in writing.
 - (a) Statements of personal preferences or speculation not based on **substantial evidence** (see definition in Section 550.11.01) shall be disregarded by the Plan Commission.
- (7) Review and Action by the Plan Commission.
 - (a) The Plan Commission may request further information or additional reports from the Zoning Administrator, applicant, or from any other source.
 - 1. Third Party Consultation. If necessary, expertise is not available from City Staff, public academic institutions, or from appropriate regional, state, or federal agencies, the Plan Commission may consult with a third party to effectively evaluate a conditional use permit application. The Zoning Administrator, or his/her designee, will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.

Commented [SK7]: This is an update based on 2017 WI Act 67 - along with other language in this section

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- (b) Final Action on Conditional Use Permits.
 - 1. The Plan Commission shall hear all substantial evidence per Subsection (6) above.
 - 2. Following the public hearing, staff shall compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain, at a minimum, all substantial evidence presented in the public hearing, the recommended findings, and the recommended motion to either approve the use as originally proposed, approve the proposed conditional use with modifications or conditions, or deny approval of the proposed conditional use.
 - 3. In the same or a subsequent meeting, the Plan Commission shall discuss The Report of Preliminary Recommended Findings and any conditions or changes with the applicant. At that time, the Plan Commission may take final action by resolution on the application to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications or conditions, or deny approval of the proposed conditional use. See Subsection (7)(b)8. below.
 - 4. The Plan Commission's decision to approve or deny the permit shall be supported by substantial evidence. Any condition imposed by the City shall be related to the purpose of the ordinance and be based on substantial evidence as defined in Wis. Stats. §62.23(7)(de)1.b.
 - 5. The conditions described under Subsection (9), shall be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
 - 6. The applicant shall demonstrate whether the application and all requirements and conditions established by the Plan Commission relating to the conditional use are or will be satisfied, both of which shall be supported by substantial evidence.
 - a. All other statements pertaining to the review of the Condition Use Permit shall be based on substantial evidence.
 - 7. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Chapter or those imposed by the Plan Commission, the Plan Commission shall grant the conditional use permit.
 - 8. Final action by the Plan Commission shall consist of all of the following:
 - a. The formal finding of facts related to the findings listed in Subsection (8), below, approved by the Plan Commission concerning the request.
 - b. Description(s) of the substantial evidence that supports the Plan Commission's overall decision to approve, approve with conditions, or deny the request.
 - c. Description(s) of the substantial evidence that supports all of the condition(s) imposed by the City.
 - d. The City shall document these proceedings by any of the following means: written minutes, video or audio recordings, or written reports.
- (8) Findings of Fact. In reviewing and taking final action on a proposed conditional use permit, the Plan Commission shall consider whether the proposed conditional use:
 - (a) Is consistent with the Comprehensive Plan.
 - (b) Would not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.

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- (c) Maintains the desired consistency of land uses, land use densities and intensities, and land use impacts as related to the environs of the subject property.
 - (d) Is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.
 - (e) Complies with all other regulations or standards in this Chapter applicable to the use.
- (9) Conditions. The Plan Commission shall impose, at a minimum, the following conditions on any conditional use permit:
- (a) Any conditions required for specific uses listed under Article III.
 - (b) The physical development and operation of the conditional use shall conform, in all respects, to the approved site plan, operational plan and phasing plan.
 - (c) All vehicles and equipment shall access the site only at approved locations identified in the site plan and operations plan.
 - (d) Other Conditions. In addition to the conditions listed above, the Plan Commission may, at their discretion, impose any other conditions as necessary to meet the findings above:
 - 1. Expiration dates on conditional use permits, except for permits for communication towers under Section 550.03.20. Continuation or extension of an expired conditional use requires re-application and approval by the Plan Commission.
 - 2. Limits on hours and days of operation, or number of events each year.
 - 3. Limits on numbers of employees.
 - 4. Limits on numbers of total people, vehicles or animals on the premises at any one time.
 - 5. Limits on total quantity or volume of product on the premises at any one time.
 - 6. Limits on square footage of buildings or outdoor areas devoted to the proposed use.
 - (e) If the County Highway Department, City Public Works Department, or City Engineer determines that road intersection improvements and any recommended improvements of a Traffic Impact Analysis report are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner.
 - (f) If the Public Works Department or City Engineer determine that off-site improvements to the sanitary sewer, storm sewer, and/or water infrastructure are necessary to accommodate the conditional use, the cost of such improvements shall be borne by the landowner.
 - (g) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
 - (h) Failure to comply with any imposed conditions, or to pay reasonable City costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- (10) Limited Effect of Approval. A ruling by the Plan Commission finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

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- (a) If the Plan Commission wishes to approve significant changes to the proposed conditional use, then the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Plan Commission action.
- (11) Effects of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances. A change is “material” if it could reasonably be expected to lead to a different conclusion in light of the reasons for denial of the prior application.
- (12) Appeals of a Plan Commission Decision shall be made to the Zoning Board of Appeals.
 - (a) Initiation of Request for Appeal. Proceedings for an appeal to the Zoning Board of Appeals of a Plan Commission denial of a conditional use permit, modification of a conditional use permit, or conditions added to a conditional use permit may be initiated by any person or by any officer, department, or board of the City affected by said Plan Commission decision.
 - (b) Enforcement Actions. All enforcement actions related to the subject property shall be held in abeyance upon appeal action of the Zoning Board of Appeals.
 - (c) Time Limit for Filing an Appeal. Any appeal to the Zoning Board of Appeals under the provisions of this Section shall be made per the requirements of Subsection (12)(d), below, within a period not exceeding 45 days from the date of issuance of Plan Commission’s decision regarding the conditional use permit. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission’s decision.
 - (d) Application Requirements. An application for an appeal of a Plan Commission decision shall contain the following (digital files should be submitted whenever possible):
 - 1. A written statement from the applicant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission. This statement shall be dated and signed by the applicant.
 - 2. All information that was supplied in the complete application described in Subsection (4), above.
 - 3. Application filed with the City Clerk.
 - (e) Review by the Zoning Administrator.
 - 1. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Title. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - 2. The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant.
 - 3. The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Title or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
 - (f) Review and Action by the Zoning Board of Appeals.
 - 1. Within 60 days after the filing of the appeal, the Zoning Board of Appeals shall make its findings. Such findings shall be based on the findings of Subsection (8), above, and shall be based on substantial evidence. The Zoning Board of Appeals may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.

Commented [SK8]: Some prefer appeal by Common Council.
Plan Commission policy question.

2. If the Zoning Board of Appeals fails to make a determination within 60 days after the appeal, then the request for the appeal shall be deemed denied.
- (g) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances. A change is “material” if it could reasonably be expected to lead to a different conclusion in light of the reasons for denial of the prior application. Denial decisions may be appealed to the circuit court under Wis. Stats. § 62.23(7)(e)10.
- (h) Limited Effect on a Favorable Ruling on an Appeal.
 1. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development commenced within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 2. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the time limits in (h)(1) above lapse or the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more per Section (15) of this Chapter. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this 365 day period of time.
- (13) Revocation of an Approved Conditional Use.
 - (a) Upon approval, the applicant shall demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 550.10.43. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Title.
 - (b) Any conditional use found not to be in compliance with the terms of this shall be considered in violation of this Title and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (4) through (9), above. The City shall provide the property owner with appropriately served notice to consider revocation. City staff shall provide written findings of fact in relation to the factors listed in Subsection (8).
- (14) Time Limits on the Development of Conditional Use.
 - (a) Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. For the purposes of this Section, “operational” shall be defined as the granting of a certificate of occupancy for the conditional use.
 - (b) Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.
 - (c) Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Zoning Administrator and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of

approval, the 365-day or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.

- (15) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (16) Change of Ownership. All requirements and conditions of the approved regular conditional use shall be continued regardless of ownership of the subject property.
- (17) Modification, Alteration, or Expansion. Modification, alteration, or expansion of any conditional use without approval per the process in this subsection shall be considered in violation of this Title and shall be grounds for revocation of said conditional use approval in accordance with Subsection (13), above.
- (18) Recording of Conditional Use Requirements. A certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City.
- (19) Formerly Approved Conditional Uses. A use now regulated as a conditional use which was approved as a permitted land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.

Commented [SK9]: Essentially replaces the successor conditional use provisions. A CUP runs with the land and remains valid regardless of ownership unless specifically limited based on substantial evidence. If the conditional use ceases for one year, or the property transitions to a different permitted or conditional use, a new CUP is required to re-establish the prior conditional use.

Sections 550.10.33 to 550.10.40: Reserved

Section 550.10.41: Zoning Permit Review and Approval Procedures

- (1) Purpose. The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading). The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A Zoning Permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.
- (2) Applicability. A Zoning Permit shall be required for any of the following activities:
 - (a) The establishment of a new principal use of a structure or land.
 - (b) A change in type of principal use of a structure or land.
 - (c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units (including accessory dwelling units) in a structure or on land.
 - (d) The addition of a new structure that increases impervious surface area.
 - (e) Any site alteration that alters grades or site drainage patterns within 5 feet of the lot line.
 - (f) Installation of a new or replacement fence.
 - (g) Commencement of mining or excavation on a parcel of land.
- (3) Application. See the City of Watertown Zoning Permit application.
- (4) Action by Zoning Administrator or Building Inspector. A Zoning Permit shall be granted or denied by the Zoning Administrator or Building Inspector, in writing within 30 days of the application, unless

other approvals are required by this Chapter, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

- (5) Time Limits on Zoning Permits. The work shall begin within 365 days of approval and be completed within 730 days. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

Section 550.10.42: Certificate of Occupancy

- (1) Purpose: A written statement issued by the Building/Zoning Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.
- (2) No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building/Zoning Inspector. A certificate of occupancy is required for a change of type of occupancy or use of any building or land.
- (3) Application for a certificate of occupancy. Application for a certificate of occupancy shall be made coincident with the application for a zoning permit. The application shall state the intended use of the land or building.
- (4) Issuance. A certificate of occupancy shall be granted within 10 days after notification by the owner of completion of buildings or structural alterations indicated in the land use permit, in accordance with the plans submitted with the permit application and applicable provisions of this chapter and the health and building laws and ordinances.
- (5) No fees shall be charged for a certificate of occupancy.

Section 550.10.43: Site Plan Review and Approval Procedures

- (1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.
- (2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (5)(c) through (i), below, including redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:
 - (a) Accessory buildings, decks, fences, and landscape features that do not affect site drainage patterns.
 - (b) Signage, unless otherwise specified in Article IX.
 - (c) Otherwise specified as not required within this Chapter.
- (3) For reference purposes, the following table includes various standards that may be applicable within the Site Plan review. This list is not exhaustive and there may be other standards applied to Site Plan review beyond those listed below in reflection of other standards listed within this Chapter.

Figure 550.10.43a: Site Plan Review References

Review Element/Standard Type	Zoning Ordinance Reference
Site Plan Review Required	Section 550.10.43(2)
Administration	Section 550.10.43(2)
Approval Sunset Clause	Section 550.10.43(9)

Commented [SK10]: This is added as informational guidance.

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Review Element/Standard Type	Zoning Ordinance Reference
Site Grading	Section 550.10.43(4)
Existing Site Vegetation	Section 550.08.30
Building Setbacks	Sections 550.04.11-550.04.14 Sections 550.06.06
Building Height	Sections 550.04.11-550.04.14 Section 550.07.02
Building Mass	Article VII
Building Facade	Article VII
Exterior Materials	Article VII
Exterior Building Colors	Article VII
Exterior Doors	Article VII
Windows	Article VII
Roofs	Article VII
Exterior Building Apparatus	Article VII
Awning/Canopy	Section 550.03.28(7) Article VII
Trash Containment Structure	Section 550.06.21
Exterior Lighting	Section 550.06.20
Signage	Article IX
Outdoor Display and Storage	Section 550.03.10(19)
Pavement Materials	Section 550.06.06
Pedestrian Facilities	Section 550.06.06
Traffic Circulation	Section 550.06.06
Parking	Section 550.06.06
Landscaping	Section 550.08.30

- (4) Site restrictions.
- (a) Establishment of grades. Every building hereafter erected, structurally altered, or relocated shall be at a grade demonstrated by the applicant to be in satisfactory relationship with the established grades, or with the existing street grades where none are established, with particular consideration for proper drainage and safe access.
 - (b) Preservation of topography.
 1. In order to protect any property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would:
 - a. Alter the existing drainage or topography in any way as to adversely affect the adjoining property.
 - b. Except as authorized by City staff, the topography within five feet of any property line at the commencement of any development shall remain unchanged.
 - i. When land disturbing activities associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began. A positive slope of one half

inch per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one or two family residence.

- ii. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line.
- iii. The Public Works Director/City Engineer shall be consulted prior to the approval of plans that result in changes to the existing topography at and within five feet of any property line if that plan would promote the purposes of this Chapter.

Commented [SK11]: To be reviewed by City Engineer/Public Works Director

- (c) Unsuitable land. No land shall be used for structures erected where the land is held by the Plan Commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence at a Plan Commission meeting contesting such unsuitability if the applicant so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

- (d) Lot regulations.

- 1. All lots shall abut upon a public street, and each lot shall have a minimum frontage and area as set forth in Article II.

- (5) Pre-Application Conference. Prior to formal submittal of a site plan application, the applicant shall confer with the Zoning Administrator, in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.

- (6) Application. See the City of Watertown Site Plan application.

- (7) Review and Approval.

Commented [SK12]: Existing formal site plan review committee established by ordinance is deleted. Instead they confer with zoning administrator who shall coordinate with city departments

- (a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (b) The Zoning Administrator or designee shall coordinate review of completed applications with City Departments.
 - (c) The Zoning Administrator shall review and recommend the site plan to the Plan Commission. For any adjustment to an approved Site Plan, see Subsection (7), below.

- (8) Adjustments to Approved Site Plans.

- (a) The following adjustments may be approved administratively by City staff and no additional process is necessary:
 - 1. A proposed adjustment that would add to or relocate amenity site elements which are not required such as additional non-required landscaping.
 - 2. A proposed adjustment that would erase approved site development components which are not required such as a building, a portion of a building, an area of non-required landscaping, or a non-required paved area.

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- (b) The following adjustments that alter the required components of the approved site plan require a full site plan review process before the Plan Commission:
 - 1. A proposed adjustment that would erase or relocate approved site development components which are required such as a stormwater management feature, required landscaping, or required paved areas.
 - 2. A proposed adjustment that would expand or add any areas of development (building or paving) similar to the definition of Design Alternation Review or Project Review (Section 550.07.51).
- (c) If a new site plan is required, and the site plan is a required component of a Conditional Use Permit or a Specific Implementation Plan, an amended (in essence, a new) Conditional Use Permit or Specific Implementation Plan is required.
- (d) If the proposed development involves adding one or more land use categories which are not permitted by right in the zoning district or under the list of permitted by right uses in a Conditional Use Permit or General Development Plan, a new Conditional Use Permit or General Development Plan is required.
- (9) An approved site plan application shall be valid for a period of one year from the date of approval. Prior to expiration, the Zoning Administrator may grant one extension of up to one additional year upon a showing by the applicant of good cause and reasonable progress toward implementation of the approved site plan. If the approval expires without an extension, the applicant shall submit a new application and obtain approval in accordance with this Article.

Section 550.10.44: Reserved.

**Figure 550.10.45a: Procedure for
Planned Development Review***

Section 550.10.45: Planned Development Review and Approval Procedures

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval or denial of proposed Planned Developments.
- (2) Initiation of Request. Proceedings for approval of a Planned Development may be initiated by any of the following:
 - (a) An application by the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;
 - (b) A recommendation of the Plan Commission and action by the Common Council, relative to City-owned property.
- (3) Procedure for Planned Development Review. The procedure for zoning to a Planned Development (PD) district shall follow the Zoning Map Amendment procedure included in [Section 550.10.30](#), except that the Planned Development procedure shall be subject to the following additional requirements.
 - (a) Pre-Application Conference. Prior to formal petition for zoning to a PD district, the applicant shall confer with appropriate City staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
 - (b) Optional Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant shall prepare a conceptual plan for review with the Plan Commission, pursuant to [Section 550.10.23](#). Points of discussion and conclusions reached at this stage of the process shall be in no way binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection (3)(c), below). The Concept Plan submittal shall include the following items (digital files should be submitted whenever possible):
 1. General project themes and images;
 2. The general mix of dwelling unit types and/or land uses;
 3. An initial draft of zoning standards which will not be met by the proposed Planned Development. The purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project.



**Concept Plan Review and Public Meeting may be required by the Zoning Administrator.*

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- (c) General Development Plan Review. The applicant shall submit a General Development Plan (GDP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the GDP shall be placed on the Plan Commission agenda for review. Adoption of the GDP establishes the new zoning classification for the property.

1. The GDP submittal shall include the following items (digital files should be submitted whenever possible):

- a. General location map of the subject site depicting:
 - i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
 - ii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) in which the properties are located.
 - iii. A graphic scale and a north arrow.
- b. Generalized site plan showing the pattern or proposed land uses, including:
 - i. General size, shape, and arrangement of lots and specific use areas.
 - ii. Basic street pattern and pattern of internal drives.
 - iii. General site grading plan showing preliminary road grades.
 - iv. Basic storm drainage pattern, including proposed on-site stormwater detention.
 - v. General location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.
- c. Statistical data, including:
 - i. Minimum lot sizes in the development.
 - ii. Approximate areas of all lots.
 - iii. Density/intensity of various parts of the development.
 - iv. Building coverage.
 - v. Landscaping surface area ratio of all land uses.
 - vi. Expected staging.
- d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII of this ordinance.
- e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which may or may not be proposed to vary from City standards.
- f. General outline of property owner's association, covenants, easements, and deed restrictions.
- g. A written description of the proposed Planned Development, including:
 - i. General project themes and images.
 - ii. The general mix of dwelling unit types and/or land uses.
 - iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre and/or landscaping surface area ratio.
 - iv. General treatment of natural features.

Commented [SK13]: For standard applications we removed the requirements from the code and deferred to the application form instead. You could technically do that with PD but may prefer to leave it in the code like this

- v. General relationship to nearby properties and public streets.
 - vi. General relationship of the project to the Comprehensive Plan and any applicable neighborhood or corridor plans.
 - vii. A statement of rationale as to why PD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PD project.
 - viii. A complete list of zoning standards that would not be met by the proposed GDP or PIP and the location(s) in which such exceptions/base standard modifications would occur.
 - ix. Proposed exceptions from the requirements of this Chapter.
 - h. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed.
 - i. A utility study to determine adequacy of water and sewer services.
2. The Plan Commission may waive submittal information listed above, or may likewise require additional information beyond that listed above.
 3. If all required application materials are provided, the GDP and PIP may be submitted and reviewed concurrently.
 4. The process for review and approval of the GDP shall be identical to that for a Zoning Map Amendment per Section 550.10.30.
 5. Review and Approval; Findings of Fact: In its review and action on an application for a Planned Development district, the Plan Commission shall make findings of fact with respect to the following criteria:
 - a. The proposed Planned Development project advances the purposes of this Chapter as outlined in Section 550.01.03.
 - b. The proposed Planned Development project is consistent with the City's Comprehensive Plan and other area plans.
 - c. The proposed Planned Development project will maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
 - d. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Development project, including but not limited to public sewer and water and public roads.
 - e. The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
 - f. The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.
 - g. The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
 - h. The proposed Planned Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.
 - i. The proposed Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing

development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this Chapter.

- j. For Planned Development projects that are proposed to be developed in phases, the applicant shall provide a timeline for development and shall demonstrate that the project would be successful even if all phases were not or could not be completed.
- 6. All portions of an approved GDP not fully developed within five years of final Common Council approval shall lapse, and no additional PD-based development shall be permitted. Prior to the end of the five-year period, the property owner may request reapproval of the GDP for up to five additional years or shall request amendment of the GDP. Reapproval or amendment requests shall obtain a recommendation from the Plan Commission and approval from the Common Council following a public hearing held before the Plan Commission. If an application for renewal or amendment is not submitted, the zoning administrator may propose rezoning to the underlying zoning district or another standard zoning district. In the case of an expired PD, the base zoning district shall remain in effect and no development under the prior PD approvals may proceed.
- (d) Precise Implementation Plan. Upon completion of the GDP review process, described above, the applicant shall submit a Precise Implementation Plan (PIP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the PIP shall be placed on the Plan Commission agenda for review. The PIP is the detailed development review step of the Planned Development process. Any subsequent proposal to vary from an approved PIP requires the approval of an amended PIP in accordance with all of the requirements of this Subsection (3)(d) and (3)(f) below.
 - 1. The PIP submittal shall include the following items. Note that the area included in a PIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted whenever possible).
 - a. An existing conditions map of the subject site depicting the following:
 - i. All lands for which the Planned Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
 - ii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.
 - iii. Existing utilities and recorded easements.
 - iv. All lot dimensions of the subject site.
 - v. A graphic scale and a north arrow.
 - b. A PIP map of the proposed site showing at least the following:
 - i. Lot layout and the arrangements of buildings.
 - ii. Public and private roads, driveways, walkways, and parking facilities.
 - iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.
 - c. Proposed grading plan.
 - d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.

Commented [SK14]: Matches language we developed in 2024

- e. Architectural plans for any nonresidential buildings, multi-family structures, or group development, other than conventional single-family or two-family homes on individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.
 - f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.
 - i. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed.
 - ii. The City may require a utility study to determine adequacy of water and sewer services.
 - g. Signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles) that may vary from City standards or common practices.
 - h. Specific written description of the proposed PIP including:
 - i. Specific project themes and images.
 - ii. Specific mix of dwelling unit types and/or land uses.
 - iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
 - iv. Specific treatment of natural features, including parkland.
 - v. Specific relationship to nearby properties and public streets.
 - vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
 - vii. Phasing schedule, if more than one development phase is intended.
 - i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.
 - j. A written description that demonstrates how the PIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed PIP.
2. The Zoning Administrator or by majority vote of the Plan Commission may waive submittal information listed above, or may likewise require additional information beyond that listed above.
3. The process for review and approval of the PIP shall be identical to that for a Zoning Map Amendment per Section 550.10.30.
4. All portions of an approved PIP not fully developed within five years of final Common Council approval shall lapse, and no additional PD-based development shall be permitted. The Common Council may extend this period up to five additional years via a majority vote. The applicant may also request reapproval or amendment of a previously approved PIP before the applicable five-year period lapses. In the case of an expired PIP, procedures shall be identical to that for GDP expirations per this Chapter.

- (e) Changes or Alterations. Any change of the PD plans subsequent to approval of the PIP shall be submitted to the Zoning Administrator.
 - 1. If the Zoning Administrator, determines that the change constitutes a substantial modification, the developer will be required to amend the PIP, and if necessary, the GDP, following the procedures set forth in this Section for review and approvals. A substantial modification includes but may not be limited to an increase in the site's impervious surface ratio, a change to the building elevation that is distinctly noticeable from surrounding properties, or a deviation from standards applicable to the most equivalent zoning district pertaining to the land use.
 - 2. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or PIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the City on the PD.

Sections 550.10.46 to 550.10.49: Reserved

Section 550.10.51: Variances

- (1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. § 62.23(7)(e)(7).
- (2) Variance Types. Variances from the regulations of this title shall be granted by the Board of Zoning Appeals only in accordance with the standards established in this section. Variances may be granted only if the existing use of the building or property is a permitted use in the district where the requested variance is located or a conditional use for the activity has been approved by the Plan Commission or Common Council. Variances may be granted only in the following instances and in no others:
 - (a) Area Variances: For an area variance, that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose, or that strict compliance would render conformity with the zoning ordinance unnecessarily burdensome.
 - (b) Use Variance: For a use variance, that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in absence of a variance.
 - 1. To allow a principal land use not listed within the Zoning District for the subject property where none of the allowed principal land uses can be reasonably established.
- (3) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
- (4) Application Requirements. Variance applications shall contain the following (digital files should be submitted whenever possible, if applicable):
 - (a) A map of the subject property depicting:
 - 1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.

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2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
3. All lot dimensions of the subject property.
4. A graphic scale and a north arrow.
- (b) A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 550.10.43.
- (c) Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.
- (5) Review by the Zoning Administrator.
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (6) Public Hearing. Within 60 days of filing of a complete application, the Board of Zoning Appeals shall hold a public hearing in compliance with Section 550.10.21 consider the request.
- (7) Review and Action by the Board of Zoning Appeals.
 - (a) Within 60 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings in accordance with the following based on Wis. Stats. § 62.23(7)(e)7:
 1. The variance will not be contrary to the public interest.
 2. Substantial justice will be done by granting the variance.
 3. The variance is needed so that the spirit of the ordinance is observed.
 4. Due to special conditions, literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship.
 5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 6. Additional standards:
 - a. Parcel-as-a-whole. The entire parcel, not just a portion of the parcel, must be considered when applying the unnecessary hardship test.
 - b. Self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed.
 - c. Circumstances of applicant. Circumstances of an applicant such as growing family or desire for a larger garage are not a factor in deciding variances.
 - d. Financial hardship. Economic loss or financial hardship do not justify a variance.
 - e. Nearby violations. Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
 - f. Objections from neighbors. A lack of objections from neighbors does not provide a basis for granting a variance.
 - (b) The Board of Zoning Appeals may request further information or additional reports from the Zoning Administrator, or the applicant. The Board of Zoning Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.

- (c) If the Board of Zoning Appeals fails to make a determination within 60 days after said public hearing, then the request for the variance shall be considered denied.
- (8) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.
- (9) Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance. Once granted, variances shall run in perpetuity, and shall remain in effect regardless of any future amendments to the Zoning Ordinance or Official Zoning Map.
- (10) Stay of Proceedings. See Wis. Stats. § 62.23(7)(e)5.
- (11) See Sections 550.02.21-550.02.22 for variance requirements applicable to Overlay Zoning Districts.

Section 550.10.52: Appeals of Zoning Interpretations

- (1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator, per Section 550.10.50 as provided for by Wis. Stats. § 62.23(7)(e)(7).
- (2) Any person aggrieved by a decision of the Zoning Administrator shall be entitled to an appeal in accordance with the process as described in Section 550.10.52.

Section 550.10.53: Administration and Enforcement of Performance Standards

- (1) Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
 - (a) Where determinations can be made by the Zoning Administrator, using equipment available to the City, such determinations shall be so made before notice of violations is issued (see Article VI for technical standards).

Sections 550.10.54 to 550.10.59: Reserved

Section 550.10.60: Violations and Penalties

- (1) Declarations of Unlawful Conduct, Activities, and Conditions.
 - (a) It shall be unlawful for any building or structure to be erected, construction, placed, moved, or structurally altered, or for any use of land, premises, building or structure to be established or changed in violation of the provisions of this Ordinance.
 - (b) It shall be unlawful to fail to comply with any standard of this Ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted in due course under this Ordinance.
- (2) Liability.
 - (a) Owners of lands or properties are responsible for compliance with all provisions of this Ordinance which bear upon their area of competency and responsibility.
 - (b) Any such party who violates or aids or abets in a violation shall be liable to prosecution or remedial action.

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- (c) This Chapter applies fully to all lands, developments, and activities unless specifically exempted by state or federal law.
- (3) Investigation of Compliance, Notice of Violations.
 - (a) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities with the terms of this Ordinance.
 - (b) If, upon such inspection or investigation, the Zoning Administrator becomes aware of a condition which he or she concludes is or is likely to become unlawful, the Zoning Administrator shall immediately notify the parties to the situation whom he or she deems to be responsible and potentially liable. Such notice shall include:
 - 1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - 2. A statement that a complaint on the condition and request for prosecution has been or will be transmitted to the City Attorney and/or to enforcement officials, state agencies, or both.
 - (c) If an enforcement demand is issued and is not complied with, the Zoning Administrator may file a request for prosecution with the City Attorney, unless an administrative appeal has been commenced and a stay order has been issued. See [Section 550.10.60\(4\)\(d\)](#) below.
- (4) Prosecutions, Injunctions, and Penalties in Court Proceedings.
 - (a) The City Attorney has the responsibility to prosecute violations of this Ordinance on behalf of the City.
 - (b) Nothing in this section shall be deemed to prevent private prosecutions of violations of this Chapter pursuant to Wis. Stat. § 62.23(7) and (8) or of other sections of the Wisconsin Statutes or common law.
 - (c) Forfeitures and penalties for violation of the provisions contained within this Ordinance are found in [Chapter 38](#) of the Municipal Code, which is adopted herein by reference and made a part of this Ordinance.
 - (d) As a substitute for, or an addition to, forfeiture actions, the City Attorney may, on behalf of the City, seek enforcement of any and all parts of his Ordinance by court actions seeking injunction or restraining orders.
 - (e) City officials designated in this City of Watertown Citation Enforcement Ordinance (see [Chapter 38](#) of the Municipal Code), may issue citations, as provided therein, for violations of portions of this Ordinance.
- (5) Other Enforcement Provisions.
 - (a) Where an approval has been made subject to specified conditions, and where such conditions are not complied with, the Board of Zoning Appeals may conduct a hearing pursuant to this Chapter upon a petition submitted by any interested party or by the Zoning Administrator to revoke the approval. A finding of non-compliance with the conditions imposed shall be grounds for revocation.
 - (b) Relationship to Nuisance Actions. No provision of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance upon the laws of the State of Wisconsin.
 - (c) Conditions placed on rezonings, approvals or permits may include requirements of bonds or similar surety arrangements to assure performance of required obligations.

- (d) Liens. In addition to all other remedies available at law, judgment on convictions of violations of the terms of this chapter wherein a forfeiture or penalty is imposed shall be filed with the County Register of Deeds Office and shall constitute a lien on the property and running with the property wherein the violation occurred and shall be removed only upon payment of said penalty or forfeiture. Notice of the imposition of such a lien shall be given to the defendant and, prior to the filing of the lien, the defendant shall be given 10 days to appeal to the court of the county imposing such a lien on the property wherein the violation occurred. Any judgment so filed with the Register of Deeds shall note thereon the imposition of a lien and a legal description of the property so affected. Upon satisfaction or partial satisfaction of such judgment, notice of satisfaction or partial satisfaction shall be filed with the Register of Deeds.
- (6) Promulgated Correction of Violation. In addition to any other penalty imposed for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

Section 550.10.61: Fees

- (1) Fees. Fees for all approvals, appeals or permits under this Chapter, unless otherwise specified, shall be as set forth in the City of Watertown Fee Schedule.
 - (a) Professional fees. Each applicant under this Chapter shall reimburse the City for all professional fees, including reasonable engineering, planning consultant, and legal review fees, incurred by the City in connection with such application.
 - (b) Reimbursement agreement. The City may require a reimbursement agreement of any amount deemed appropriate by City staff prior to consideration of any application.

Sections 550.10.62 to 550.10.99: Reserved