

City of Shawano, Wisconsin

CHAPTER 10: GENERAL ZONING ORDINANCE

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ARTICLE I: INTRODUCTION AND DEFINITIONS**Section 10-01: Title**

This Chapter shall be known, cited, and referred to as the City of Shawano Zoning Ordinance, except where as referred to herein, where it shall be known as “this Chapter.”

Section 10-02: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law References: Section 62.23(7), 62.231, 87.30, Wisconsin Statutes.

Section 10-03: Purpose and Intent

This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes. It is also the intent of this Chapter is to implement certain goals and objectives of the City of Shawano Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

Section 10-04: Separability and Non-Liability

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

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

Section 10-05: Abrogation

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

Section 10-06: Rules of Interpretation

Section 10-06: Rules of Interpretation

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Shawano.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- (3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (See Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.
- (6) Except for outlots authorized under the Chapter 18: Subdivision and Platting to contain protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 10-07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the City of Shawano.

Section 10-08: Re-enactment and Repeal

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters previously known collectively as the “General Zoning Code,” Chapter 10 of the Code of Ordinances for the City of Shawano, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (2) All provisions of Chapter 10 of the City of Shawano Code of Ordinances which are not re-enacted herein are hereby repealed.

Section 10-09: Effective Date

- (3) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Code, provided the violation occurred while that Chapter was in effect.

Section 10-09: Effective Date

This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions.

Section 10-10: Word Usage

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

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall," "must," and "will" are mandatory.
- (5) The words "may," "can," and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The word "City" shall mean the City of Shawano, Wisconsin.
- (8) The word "county" shall mean the County of Shawano, Wisconsin.
- (9) The word "state" shall mean the State of Wisconsin.
- (10) The words "Plan Commission" shall mean the City of Shawano Plan Commission.
- (11) The word "Council" shall refer to the City of Shawano Common Council.
- (12) The words "Board" or "Board of Appeals" shall refer to the City of Shawano Zoning Board of Appeals.
- (13) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

Section 10-11: Abbreviations

Section 10-11: Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
CUP	Conditional Use Permit
ft	Foot
GSA	Gross site area
ISR	Impervious surface ratio
LSR	Landscape surface ratio
MGD	Maximum gross density
MLA	Minimum lot area
N/A	Not applicable
NDA	Net developable area
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

Section 10-12: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Acre: 43,560 square feet.

Accessory structure, nonresidential: A structure subordinate to the principal building which is located on the same nonresidential parcel.

Accessory structure, residential: A structure subordinate to the principal building which is located on the same residential parcel. Accessory residential structures include garages, carports, other parking spaces, swimming pools, tennis courts, and tool sheds. Accessory structures in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals. The post of a carport is considered the wall for setback purposes.

Accessory structure, attached: An accessory structure which is physically connected to the principal building. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for the principal structure.

Accessory structure, detached: An accessory structure which is not physically connected to the principal building. A minor attachment does not render an accessory structure attached. Examples of minor attachments include, but are not limited to, decks 18 inches or less above grade, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5 feet.

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

Section 10-12: Definitions

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Airport: The Shawano Municipal Airport located in Section 28, T27N, R16N, Shawano County.

Airport hazard: Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off, as described in Section 10-94.

Alley: A minor public street or thoroughfare providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.

Animal unit: A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit:

Figure 10-12a: Animal Units

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

Source: The Stockman’s Handbook

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 10-186.

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

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

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

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

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

Building coverage: The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

Building inspector: The inspector of the City of Shawano.

Building height: The vertical distance from the highest grade-level at the front wall of the building to the highest point of the roof.

Section 10-12: Definitions

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

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

Bulk: The combination of building height, size, and location on a lot.

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

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

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

Co-working space: A type of work place that involves a shared working environment, often an office, and independent activity. Unlike in a typical office environment, those co-working are usually not employed by the same organization.

Deck: A structure that has no roof or walls and is considered part of a building or structure. Setbacks shall be measured from the post of the deck.

Density: A term used to describe the number of dwelling units per acre.

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

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

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

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

Dwelling unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family.

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

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

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

Family: A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, other than in an adult family home or CBRF or other institutional facility. No such group shall contain over three persons, except ones related by blood, adoption, marriage, or are legally cared for. The following uses are not considered a dwelling unit: a group occupying a boardinghouse, motel, hotel, club, fraternity, or sorority house, or other similar uses.

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

Section 10-12: Definitions

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

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

Garage: An accessory building or portion of a building in which one, but not more than four, motor vehicles are housed.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).

Gross floor area: The total floor area on all levels of a building.

Gross site area (GSA): The total area of a single lot or the sum of multiple lots.

Group development: See Section 10-118.

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar surfaces are considered impervious.

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

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

Landmark: Any identified improvement, which has a special character or special historic interest or cultural value as part of the heritage of the City.

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as protected landscaped area.

Large development: See Section 10-118.

Lot: A parcel of land having frontage on a public or private street occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.

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

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

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

Lot frontage: Lot width measured at each street lot line.

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

Section 10-12: Definitions

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

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side). See Figure 10-12b.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be established at the time of subdivision or lot creation or shall be assigned by the Zoning Administrator. See Figure 10-12b.

Lot line, side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 10-12b.

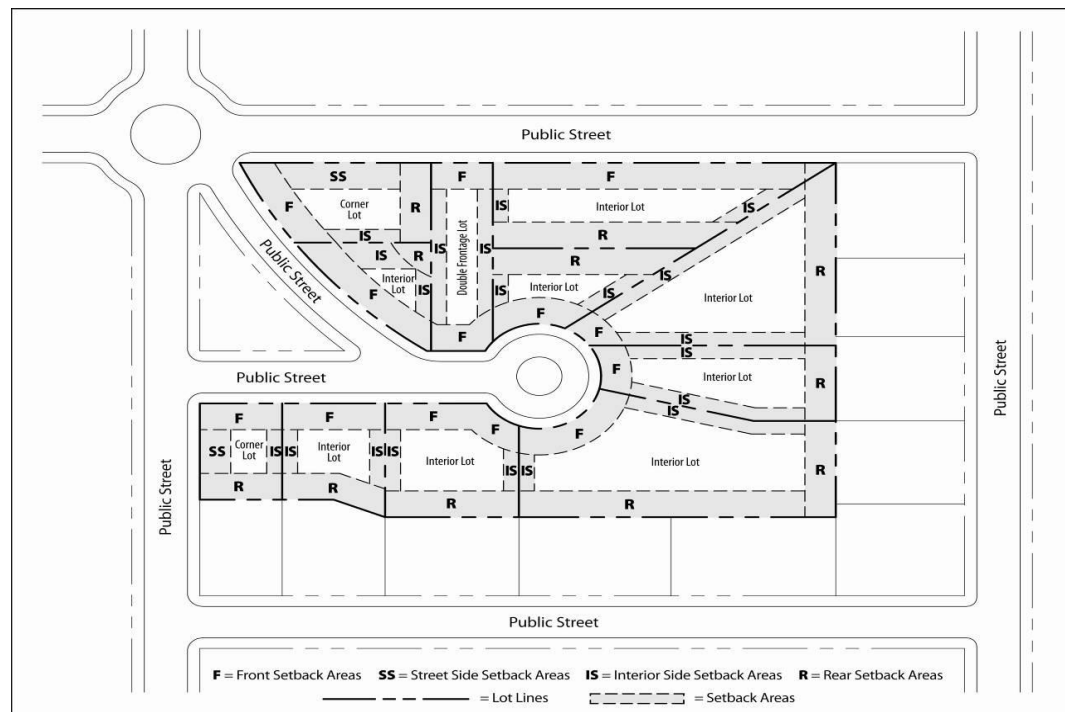
Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 10-12b.

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

Lot, through: A lot having frontage on two parallel or approximately parallel streets (also “double-frontage”). See Figure 10-12b.

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

Figure 10-12b: Lot Descriptions



Section 10-12: Definitions

Manufactured home: A one- or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with §70.043(1) Wis. Stats. and subchapters III, IV, and V of chapter COMM 21, Wis. Adm. Code, or a comparable foundation as approved by the Building Inspector, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt or metal shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide. For purpose of enforcement of this Chapter, manufactured homes shall be allowed as permitted and conditional uses where "single family" residences and "two family" residences are allowed as permitted and conditional uses. Also known as a "modular home."

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

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area (see gross density).

Minimum building separation: The narrowest permitted building separation.

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio (see landscape surface ratio).

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district.

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

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

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

Mobile home: A transportable, factory-built home designed to be used as a single family, year round residential dwelling and built to the Manufacturing Housing Construction and Safety Standards Act of 1974.

Navigable water: All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters, which are navigable under the laws of Wisconsin. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis.

Net developable area (NDA): The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area from the gross site area.

Nonconforming building or structure: Any building or other structure which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

Nonconforming development: A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter.

Nonconforming lot: A lot which does not comply with the minimum lot area or width requirements of the district in which it is located.

Nonconforming use: An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter, which has continued as the same use to the present, and which, does not comply with all the applicable regulations of this Chapter.

Section 10-12: Definitions

Nonresidential use: The individual uses listed under “Agricultural Land Uses,” “Institutional Land Uses,” “Commercial Land Uses,” “Industrial Land Uses,” “Storage Land Uses,” “Transportation Land Uses,” “Extraction and Disposal Land Uses,” and “Energy Production Land Uses” in Article III.

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

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

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard’s vertical plane which obstructs views into an adjoining property.

Other protected green space: Protected green space areas which are not constrained by one of the protected natural resources (i.e. wetlands, floodplains, steep slopes, lakeshores, and woodlands). Examples include portions of private lots, outlots, or parcels commonly held by a property owners association, which are deed restricted from site disruption.

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

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

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

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

Parcel: Any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel and a condominium unit. Only one such designation by the owner shall be allowed under this Chapter.

Paved/Pavement: hard solid surface of concrete, asphalt, paving brick or stone designed for pedestrian and vehicle traffic and other similar non-granular surfaces. *Note: gravel and other crushed materials are not considered pavement.

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

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, boat hoist, boat lift, and the hoist, lift, or shelter may be permanent or may be removed seasonally. See also wharf.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.

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

Regional flood: A flood determined by the US Army Corps of Engineers which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-

Section 10-12: Definitions

year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Residential use: The individual uses listed under “Dwelling Unit Type” in Section 10-55.

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

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted intrusions per Section 10-73.

Site area: See gross site area.

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

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep slope: Steep slopes are areas which contain a gradient of 12 percent or greater.

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

Street: A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the roadway or right-of-way lines.

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

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

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

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

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

Use, principal: The main use to which a parcel is devoted and the main purpose for which the premises exists.

Variance: A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship.

Vehicle: A machine propelled by power other than human power designated to travel along the ground, air or water by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and

Sections 10-13 to 10-19: Reserved

shall include, without limitation, automobile, truck, trailer, motor home, motorcycle, tractor, buggy, wagon, boat and aircraft.

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

Wharf: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter, boat hoist or boat lift, and the hoist, lift, or shelter may be permanent or may be removed seasonally. See also pier.

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

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

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

Yard, side: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Yard, street side: For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

Zoning Administrator: The person authorized and charged by the City with the administration of this Chapter.

Sections 10-13 to 10-19: Reserved

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 10-20: Purpose

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

Section 10-21: Standard Zoning Districts

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

Abbr.	Zoning District Name
RH-35	Rural Holding
SR-2	Single Family Residential – 2
SR-4	Single Family Residential – 4
SR-5	Single Family Residential – 5
SR-6	Single Family and Two-Flat Residential – 6
TR-6	Two Family Residential – 6
MR-10	Multi-Family Residential – 10
MR-20	Multi-Family Residential – 20
MH-8	Mobile Home Residential – 8
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
UMU	Urban Mixed Use
DMU	Downtown Mixed Use
BP	Business Park
LI	Light Industrial
GI	General Industrial
ME	Mineral Extraction
PL	Public Lands
PD	Planned Development
CD	Campus Development

Section 10-22: Map of Standard Zoning Districts

Zoning districts established by this Chapter are shown on the Official Zoning Map of the City of Shawano, which together with all explanatory materials thereon, is hereby made part of this Chapter.

Section 10-23: Interpretation of Zoning District Boundaries

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

- (1) Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.

Section 10-24: Description and Purpose of Zoning Districts

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

Section 10-24: Description and Purpose of Zoning Districts

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Definitions and regulations for land uses are provided in Article III. Section 10-54 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses.

Section 10-25: (RH-35) Rural Holding Zoning District

- (1) Intent. This district intended to permit very low density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres. This district acts as a “holding zone” to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family (35 acre lot)*
 - (b) Cultivation
 - (c) Selective Cutting
 - (d) Community Garden
 - (e) Outdoor Open Space Institutional
 - (f) Passive Outdoor Recreation
 - (g) Active Outdoor Recreation
 - (h) Essential Services
 - (i) Small Scale Public Services and Utilities
 - (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (k) Satellite Dish
 - (l) Personal Antenna and Towers
 - (m) Communication Antenna

Section 10-25: (RH-35) Rural Holding Zoning District

- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Husbandry
 - (b) On-Site Agricultural Retail
 - (c) Clear Cutting
 - (d) Intensive Agriculture
 - (e) Agricultural Service
 - (f) Market Garden
 - (g) Indoor Institutional
 - (h) Large Scale Public Services and Utilities
 - (i) Artisan Production Shop
 - (j) Commercial Animal Boarding/Daycare
 - (k) Bed and Breakfast
 - (l) Campground
 - (m) Lake-Related Recreation
 - (n) Intensive Outdoor Activity
 - (o) Production Greenhouse
 - (p) Indoor Food Production
 - (q) Indoor Storage and Wholesaling
 - (r) Airport
 - (s) Communication Tower
 - (t) Composting
 - (u) Large Wind Energy System
 - (v) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Home Occupation
 - (b) In-Home Daycare (4-8 children)
 - (c) In-Family Suite
 - (d) Farm Residence
 - (e) Residential Accessory Structure
 - (f) Nonresidential Accessory Structure
 - (g) Recreational Facility
 - (h) Landscape Feature
 - (i) Residential Kennel
 - (j) Residential Stable
 - (k) On-Site Parking
 - (l) Company Cafeteria
 - (m) Incidental Outdoor Display
 - (n) Incidental Indoor Sales
 - (o) Incidental Light Industrial
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Migrant Employee Housing
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System

Section 10-25: (RH-35) Rural Holding Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Temporary Farm Product Sales
 - (b) Temporary Outdoor Sales
 - (c) Temporary Outdoor Assembly
 - (d) Temporary Shelter Structure
 - (e) Temporary Storage Container
 - (f) Temporary On-Site Construction Storage
 - (g) Temporary Contractor’s Project Office
 - (h) Temporary On-Site Real Estate Sales Office
 - (i) Temporary Relocatable Building
 - (j) Temporary Vehicle Sales
 - (k) Garage or Estate Sale
 - (l) Farmer’s Market (requires conditional use permit)

- (7) Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area*	5 acres	5 acres
Maximum Density*	1 dwelling unit per 35 acres	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio	50 percent	50 percent
Minimum Lot Width	150 feet	150 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	15 feet	15 feet
Minimum Side Setback	25 feet	25 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 35 feet or principal building height	Lesser of 35 feet or principal building height

*Note: This district is designed to allow the property owner to create one new lot (with a maximum lot area of 5 acres) from a “parent lot” of between 1 and 70 acres. The new lot may include the existing residence, allowing the rest of the undeveloped original lot to be sold. The required maximum residential density of one dwelling per 35 acres is intended to retain agricultural or other rural uses until urban services are available to enable a zoning map amendment to a development-oriented zoning district.

Section 10-26: (SR-2) Single Family Residential–2 Zoning District

Section 10-26: (SR-2) Single Family Residential–2 Zoning District

- (1) Intent. This district intended to preserve and enhance existing areas of very low density single family detached dwellings. Unlike the case for the (RH-35) Rural Holding District, the land use standards for this district permit primarily single-family detached residential development at an approximate density of 2 dwelling units per acre and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Selective Cutting
 - (c) Outdoor Open Space Institutional
 - (d) Passive Outdoor Recreation
 - (e) Active Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (i) Satellite Dish
 - (j) Personal Antenna and Towers
 - (k) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Clear Cutting
 - (c) Community Garden
 - (d) Indoor Institutional
 - (e) Bed and Breakfast
 - (f) Large Wind Energy System
 - (g) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare (4-8 children)
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Recreational Facility
 - (g) Landscape Feature
 - (h) Residential Kennel
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System

Section 10-26: (SR-2) Single Family Residential–2 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Relocatable Building
 - (h) Temporary Vehicle Sales
 - (i) Garage or Estate Sale

- (7) Density, Intensity, and Bulk Regulations for the (SR-2) Single Family Residential – 2 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	14,000 square feet	20,000 square feet
Maximum Density	2 dwelling units per acre	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio	50 percent	50 percent
Minimum Lot Width	80 feet	100 feet
Minimum Front Setback	30 feet	30 feet
Minimum Street Side Setback	20 feet	30 feet
Minimum Side Setback	10 feet	15 feet
Minimum Rear Setback	25 feet	30 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 25 feet or principal building height	Lesser of 25 feet or principal building height

Section 10-27: (SR-4) Single Family Residential-4 Zoning District

Section 10-27: (SR-4) Single Family Residential-4 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 4 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Selective Cutting
 - (c) Outdoor Open Space Institutional
 - (d) Passive Outdoor Recreation
 - (e) Active Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (i) Satellite Dish
 - (j) Personal Antenna and Towers
 - (k) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Clear Cutting
 - (c) Community Garden
 - (d) Indoor Institutional
 - (e) Bed and Breakfast
 - (f) Large Wind Energy System
 - (g) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare (4-8 children)
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Recreational Facility
 - (g) Landscape Feature
 - (h) Residential Kennel (For Definition See Section 10-65(11))
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System

Section 10-27: (SR-4) Single Family Residential–4 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Relocatable Building
 - (h) Temporary Vehicle Sales
 - (i) Garage or Estate Sale
- (7) Density, Intensity, and Bulk Regulations for the (SR-4) Single Family Residential – 4 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	9,000 square feet	12,000 square feet
Maximum Density	4 dwelling units per acre	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio	50 percent	50 percent
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	25 feet
Minimum Side Setback	6 feet; total of 14 feet	15 feet
Minimum Rear Setback	15 feet	20 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-28: (SR-5) Single Family Residential–5 Zoning District

Section 10-28: (SR-5) Single Family Residential–5 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 5 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Selective Cutting
 - (c) Outdoor Open Space Institutional
 - (d) Passive Outdoor Recreation
 - (e) Active Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (i) Satellite Dish
 - (j) Personal Antenna and Towers
 - (k) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Clear Cutting
 - (c) Community Garden
 - (d) Indoor Institutional
 - (e) Bed and Breakfast
 - (f) Large Wind Energy System
 - (g) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare (4-8 children)
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Recreational Facility
 - (g) Landscape Feature
 - (h) Residential Kennel
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System

Section 10-28: (SR-5) Single Family Residential–5 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Relocatable Building
 - (h) Temporary Vehicle Sales
 - (i) Garage or Estate Sale

- (7) Density, Intensity, and Bulk Regulations for the (SR-5) Single Family Residential – 5 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet	9,000 square feet
Maximum Density	5 dwelling units per acre	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio	50 percent	50 percent
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	25 feet
Minimum Side Setback	6 feet; total 14 feet	12 feet
Minimum Rear Setback	15 feet	30 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-29: (SR-6) Single Family and Two-Flat Residential-6 Zoning District

Section 10-29: (SR-6) Single Family and Two-Flat Residential-6 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for single family detached and two-flat dwellings at an approximate density of 6 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Two Flat
 - (c) Selective Cutting
 - (d) Community Garden
 - (e) Outdoor Open Space Institutional
 - (f) Passive Outdoor Recreation
 - (g) Active Outdoor Recreation
 - (h) Essential Services
 - (i) Small Scale Public Services and Utilities
 - (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (k) Satellite Dish
 - (l) Personal Antenna and Towers
 - (m) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Clear Cutting
 - (c) Indoor Institutional
 - (d) Bed and Breakfast
 - (e) Large Wind Energy System
 - (f) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Recreational Facility
 - (g) Landscape Feature
 - (h) Residential Kennel
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System

Section 10-29: (SR-6) Single Family and Two-Flat Residential–6 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Relocatable Building
 - (h) Temporary Vehicle Sales
 - (i) Garage or Estate Sale

- (7) Density, Intensity, and Bulk Regulations for the (SR-6) Single Family and Two-Flat Residential – 6 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	6,000 square feet for single family or two-flat dwelling units	9,000 square feet
Maximum Density	6 dwelling units per acre	N/A
Maximum Building Coverage of Lot	40 percent	40 percent
Minimum Landscape Surface Ratio	40 percent	40 percent
Minimum Lot Width	60 feet	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	25 feet
Minimum Side Setback	6 feet; total of 14 feet	12 feet
Minimum Rear Setback	20 feet	20 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-30: (TR-6) Two Family Residential-6 Zoning District

Section 10-30: (TR-6) Two Family Residential-6 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for single family detached and two family attached dwellings at an approximate density of 6 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Two Flat
 - (c) Twin House
 - (d) Duplex
 - (e) Selective Cutting
 - (f) Community Garden
 - (g) Outdoor Open Space Institutional
 - (h) Passive Outdoor Recreation
 - (i) Active Outdoor Recreation
 - (j) Essential Services
 - (k) Small Scale Public Services and Utilities
 - (l) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (m) Satellite Dish
 - (n) Personal Antenna and Towers
 - (o) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Clear Cutting
 - (c) Indoor Institutional
 - (d) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10-57(10)
 - (e) Bed and Breakfast
 - (f) Large Wind Energy System
 - (g) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System

Section 10-30: (TR-6) Two Family Residential–6 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Relocatable Building
 - (h) Temporary Vehicle Sales
 - (i) Garage or Estate Sale

- (7) Density, Intensity, and Bulk Regulations for the (TR-6) Two Family Residential – 6 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat dwelling units 4,500 square feet per dwelling unit for duplex or twin house	9,000 square feet
Maximum Density	6 dwelling units per acre	N/A
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	40 percent	40 percent
Minimum Lot Width	60 feet for single family or two-flat 75 feet for duplex 37 ½ for each twin house lot	80 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	25 feet
Minimum Side Setback	6 feet; total of 14 feet	12 feet
Minimum Rear Setback	15 feet	20 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-31: (MR-10) Multi-Family Residential-10 Zoning District

Section 10-31: (MR-10) Multi-Family Residential-10 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for multi-family uses in small buildings at medium densities, up to 10 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Two Flat
 - (c) Twin House
 - (d) Duplex
 - (e) Townhouse (3-4 units per building)
 - (f) Multiplex (3-4 units per building)
 - (g) Apartment (3-4 units per building)
 - (h) Selective Cutting
 - (i) Community Garden
 - (j) Outdoor Open Space Institutional
 - (k) Passive Outdoor Recreation
 - (l) Active Outdoor Recreation
 - (m) Essential Services
 - (n) Small Scale Public Services and Utilities
 - (o) Community Living Arrangement (1-15 residents) meeting the requirements of Section 10-57(11)
 - (p) Satellite Dish
 - (q) Personal Antenna and Towers
 - (r) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Townhouse (5-10 units per building)
 - (b) Multiplex (5-10 units per building)
 - (c) Apartment (5-10 units per building)
 - (d) Cultivation
 - (e) Clear Cutting
 - (f) Indoor Institutional
 - (g) Institutional Residential
 - (h) Community Living Arrangement (16+ residents)
 - (i) Bed and Breakfast
 - (j) Boarding House
 - (a) Large Wind Energy System
 - (b) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking

Section 10-31: (MR-10) Multi-Family Residential–10 Zoning District

- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (c) Temporary Relocatable Building
 - (d) Temporary Vehicle Sales

- (7) Density, Intensity, and Bulk Regulations for the (MR-10) Multi-Family Residential – 10 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat 4,500 square feet per dwelling unit for duplexes and twin houses 4,000 square feet per dwelling unit for all other dwelling unit types	9,000 square feet
Maximum Density	10 dwelling units per acre	N/A
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width (per building, not unit)	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Parking Requirements	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-32: (MR-20) Multi-Family Residential–20 Zoning District

Section 10-32: (MR-20) Multi-Family Residential–20 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings at higher densities, up to 20 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Two Flat
 - (c) Twin-house
 - (d) Duplex
 - (e) Townhouse (3-10 units per building)
 - (f) Multiplex (3-10 units per building)
 - (g) Apartment (3-10 units per building)
 - (h) Selective Cutting
 - (i) Community Garden
 - (j) Outdoor Open Space Institutional
 - (k) Passive Outdoor Recreation
 - (l) Active Outdoor Recreation
 - (m) Essential Services
 - (n) Small Scale Public Services and Utilities
 - (o) Community Living Arrangement (1-15 residents) meeting the requirements of Section 10-57(11)
 - (p) Satellite Dish
 - (q) Personal Antenna and Towers
 - (r) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Apartment (11-20 units per building)
 - (b) Cultivation
 - (c) Clear Cutting
 - (d) Indoor Institutional
 - (e) Institutional Residential
 - (f) Community Living Arrangement (16+ residents)
 - (g) Bed and Breakfast
 - (h) Boarding House
 - (i) Transit Center
 - (j) Large Wind Energy System
 - (k) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking

Section 10-32: (MR-20) Multi-Family Residential–20 Zoning District

- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.
 - (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Vehicle Sales

- (7) Density, Intensity, and Bulk Regulations for the (MR-20) Multi-Family Residential – 20 District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat 4,500 square feet per dwelling unit for duplexes and twin houses 2,000 square feet per dwelling unit for all other dwelling unit types	12,000 square feet
Maximum Density	20 dwelling units per acre	N/A
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	25 percent	25 percent
Minimum Lot Width (per building, not unit)	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	25 feet	25 feet
Maximum Principal Building Height	45 feet	45 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-33: (MH-8) Mobile Home Residential–8 Zoning District

- (1) Intent. This district intended to create, preserve, and enhance subdivisions exclusively for mobile home developments.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single family
 - (b) Mobile Home
 - (c) Mobile Home Subdivision
 - (d) Selective Cutting
 - (e) Community Garden
 - (f) Outdoor Open Space Institutional
 - (g) Passive Outdoor Recreation
 - (h) Active Outdoor Recreation
 - (i) Essential Services
 - (j) Small Scale Public Services and Utilities
 - (k) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (l) Satellite Dish
 - (m) Personal Antenna and Towers
 - (n) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Mobile Home Park
 - (b) Cultivation
 - (c) Clear Cutting
 - (d) Indoor Institutional
 - (e) Large Wind Energy System
 - (f) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following uses.
 - (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System

Section 10-33: (MH-8) Mobile Home Residential–8 Zoning District

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Outdoor Assembly
 - (b) Temporary Shelter Structure
 - (c) Temporary Storage Container
 - (d) Temporary On-Site Construction Storage
 - (e) Temporary Contractor’s Project Office
 - (f) Temporary On-Site Real Estate Sales Office
 - (g) Temporary Vehicle Sales

- (7) Density, Intensity, and Bulk Regulations for the (MH-8) Mobile Home Residential – 8 District. (A mobile home that is replacing an existing unit can meet either the following table or the setbacks meet by the existing unit, whichever are less restrictive.)

	Mobile Home Subdivision Lot	Mobile Home Park or Pad	Nonresidential Uses
Minimum Zoning District Area	10 contiguous acres	10 contiguous acres	N/A
Minimum Lot Area	7,200 square feet	4,000 square feet	9,000 square feet
Maximum Density	5 dwelling units per acre	8 dwelling units per acre	N/A
Maximum Building Coverage of Lot	30 percent	40 percent	40 percent
Minimum Landscape Surface Ratio	50 percent	40 percent	50 percent
Minimum Lot Width	60 feet	N/A	80 feet
Minimum Perimeter Setback	N/A	20 feet along all boundaries (in addition to other required setbacks)	N/A
Minimum Front Setback	25 feet	50 feet (park)	25 feet
Minimum Street Side Setback	12 feet	50 feet (park)	25 feet
Minimum Side Setback	6 feet; total of 14 feet	40 feet (park)	12 feet
Minimum Rear Setback	15 feet	40 feet (park)	30 feet
Maximum Principal Building Height	35 feet	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet	3 feet
Maximum Accessory Building Height	20 feet	20 feet	20 feet

Section 10-34: (NMU) Neighborhood Mixed Use Zoning District

Section 10-34: (NMU) Neighborhood Mixed Use Zoning District

- (1) Intent. This district is intended to permit residential development and small-scale commercial uses compatible with adjacent residential uses and neighborhood character.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single Family
 - (b) Two Flat
 - (c) Townhouse (3-4 units per building)
 - (d) Multiplex (3-4 units per building)
 - (e) Apartment (3-4 units per building)
 - (f) Mixed Use Dwelling Unit
 - (g) Selective Cutting
 - (h) Community Garden
 - (i) Outdoor Open Space Institutional
 - (j) Passive Outdoor Recreation
 - (k) Active Outdoor Recreation
 - (l) Essential Services
 - (m) Small Scale Public Services and Utilities
 - (n) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (o) Office
 - (p) Personal or Professional Service
 - (q) Indoor Sales or Service
 - (r) Artisan Production Shop
 - (s) Indoor Maintenance Service
 - (t) Satellite Dish
 - (u) Personal Antenna and Towers
 - (v) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Townhouse (5-10 units per building)
 - (b) Multiplex (5-10 units per building)
 - (c) Apartment (5-10 units per building)
 - (d) Cultivation
 - (e) Clear Cutting
 - (f) Market Garden
 - (g) Indoor Institutional
 - (h) Community Living Arrangement (9-16+ residents)
 - (i) Outdoor Display
 - (j) Physical Activity Studio
 - (k) Indoor Commercial Entertainment
 - (l) Outdoor Commercial Entertainment
 - (m) In-Vehicle Sales and Service
 - (n) Group Daycare Center
 - (o) Bed and Breakfast
 - (p) Vacation Rental Home
 - (q) Commercial Indoor Lodging
 - (r) Boarding House
 - (s) Transit Center

Section 10-34: (NMU) Neighborhood Mixed Use Zoning District

- (t) Off-Site Parking
 - (u) Large Wind Energy System
 - (v) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking
 - (j) Company Cafeteria
 - (k) Incidental Outdoor Display
 - (l) Incidental Indoor Sales
 - (m) Incidental Light Industrial
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
- (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Sales
 - (b) Temporary Outdoor Assembly
 - (c) Temporary Shelter Structure
 - (d) Temporary Storage Container
 - (e) Temporary On-Site Construction Storage
 - (f) Temporary Contractor's Project Office
 - (g) Temporary On-Site Real Estate Sales Office
 - (h) Temporary Vehicle Sales
 - (i) Farmer's Market (requires conditional use permit)

Section 10-34: (NMU) Neighborhood Mixed Use Zoning District

(7) Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat 4,000 square feet per dwelling unit for all other dwelling unit types	9,000 square feet
Maximum Density	10 dwelling units per acre	N/A
Maximum Building Size	N/A	5,000 square feet for 1 st floor 10,000 square feet total
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	35 percent
Minimum Lot Width (per building, not unit)	100 feet	60 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	10 feet	6 feet; total of 14 feet
Minimum Rear Setback	25 feet	15 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-35: (CMU) Community Mixed Use Zoning District

Section 10-35: (CMU) Community Mixed Use Zoning District

- (1) Intent. This district intended to permit a wide range of large and small scale office, retail, service, and lodging uses that are compatible with the desired community character.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Mixed Use Dwelling Unit
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Outdoor Open Space Institutional
 - (e) Passive Outdoor Recreation
 - (f) Active Outdoor Recreation
 - (g) Essential Services
 - (h) Small Scale Public Services and Utilities
 - (i) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10-57(10)
 - (j) Office
 - (k) Personal or Professional Service
 - (l) Indoor Sales or Service
 - (m) Artisan Production Shop
 - (n) Indoor Maintenance Service
 - (o) Satellite Dish
 - (p) Personal Antenna and Towers
 - (q) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Townhouse (3-10 units per building)
 - (b) Multiplex (3-10 units per building)
 - (c) Apartment (3-20 units per building)
 - (d) Cultivation
 - (e) Clear Cutting
 - (f) Market Garden
 - (g) Indoor Institutional
 - (h) Community Living Arrangement (9-16+ residents)
 - (i) Institutional Residential
 - (j) Outdoor Display
 - (k) Physical Activity Studio
 - (l) Indoor Commercial Entertainment
 - (m) Outdoor Commercial Entertainment
 - (n) In-Vehicle Sales and Service
 - (o) Group Daycare Center
 - (p) Commercial Animal Boarding/Daycare
 - (q) Bed and Breakfast
 - (r) Vacation Rental Home
 - (s) Commercial Indoor Lodging
 - (t) Boarding House
 - (u) Vehicle Sales
 - (v) Vehicle Service
 - (w) Vehicle Repair
 - (x) Lake-Related Recreation Transit Center

Section 10-35: (CMU) Community Mixed Use Zoning District

- (y) Heliport
 - (z) Off-Site Parking
 - (aa) Communication Tower
 - (bb) Large Wind Energy System
 - (cc) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking
 - (j) Company Cafeteria
 - (k) Incidental Outdoor Display
 - (l) Incidental Indoor Sales
 - (m) Incidental Light Industrial
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.
- (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Sales
 - (b) Temporary Outdoor Assembly
 - (c) Temporary Shelter Structure
 - (d) Temporary Storage Container
 - (e) Temporary On-Site Construction Storage
 - (f) Temporary Contractor's Project Office
 - (g) Temporary On-Site Real Estate Sales Office
 - (h) Temporary Vehicle Sales
 - (i) Farmer's Market (requires conditional use permit)

Section 10-35: (CMU) Community Mixed Use Zoning District

(7) Density, Intensity, and Bulk Regulations for the (CMU) Community Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	4,000 square feet per dwelling unit	10,000 square feet
Maximum Density	10 dwelling units per acre	N/A
Maximum Building Coverage of Lot	50 percent	40 percent
Minimum Landscape Surface Ratio	35 percent	25 percent
Minimum Lot Width (per building, not unit)	100 feet	85 feet
Minimum Front Setback	25 feet	15 feet
Minimum Street Side Setback	12 feet	15 feet
Minimum Side Setback	10 feet	10 feet
Minimum Rear Setback	25 feet	15 feet
Maximum Principal Building Height	35 feet	45 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 15 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height

Section 10-36: (UMU) Urban Mixed Use Zoning District

Section 10-36: (UMU) Urban Mixed Use Zoning District

- (1) Intent. This district is intended to permit areas, generally on the fringe of Downtown, that are mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail and community service opportunities, while allowing some residential uses. Uses should be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Single family
 - (b) Two Flat
 - (c) Mixed Use Dwelling Unit
 - (d) Selective Cutting
 - (e) Community Garden
 - (f) Outdoor Open Space Institutional
 - (g) Passive Outdoor Recreation
 - (h) Active Outdoor Recreation
 - (i) Essential Services
 - (j) Small Scale Public Services and Utilities
 - (k) Community Living Arrangement (1-8 residents)
 - (l) Office
 - (m) Personal or Professional Service
 - (n) Indoor Sales or Service
 - (o) Artisan Production Shop
 - (p) Indoor Maintenance Service
 - (q) Satellite Dish
 - (r) Personal Antenna and Towers
 - (s) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Twin-house
 - (b) Duplex
 - (c) Townhouse (3-10 units per building)
 - (d) Multiplex (3-10 units per building)
 - (e) Apartment (3-20 units per building)
 - (f) Cultivation
 - (g) Clear Cutting
 - (h) Market Garden
 - (i) Indoor Institutional
 - (j) Community Living Arrangement (9-16+ residents)
 - (k) Institutional Residential
 - (l) Outdoor Display
 - (m) Physical Activity Studio
 - (n) Indoor Commercial Entertainment
 - (o) Outdoor Commercial Entertainment
 - (p) In-Vehicle Sales or Service
 - (q) Group Daycare Center
 - (r) Bed and Breakfast
 - (s) Vacation Rental Home

Section 10-36: (UMU) Urban Mixed Use Zoning District

- (t) Commercial Indoor Lodging
 - (u) Boarding House
 - (v) Vehicle Sales
 - (w) Vehicle Service
 - (x) Vehicle Repair
 - (y) Lake-Related Recreation
 - (z) Transit Center
 - (aa) Off-Site Parking
 - (bb) Large Wind Energy System
 - (cc) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Home Occupation
 - (b) In-Home Daycare 4-8 Children
 - (c) In-Family Suite
 - (d) Residential Accessory Structure
 - (e) Nonresidential Accessory Structure
 - (f) Landscape Feature
 - (g) Recreational Facility
 - (h) Residential Kennel
 - (i) On-Site Parking
 - (j) Company Cafeteria
 - (k) Incidental Outdoor Display
 - (l) Incidental Indoor Sales
 - (m) Incidental Light Industrial
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for the following land uses.
- (a) Accessory Dwelling Unit
 - (b) Small Wind Energy System
 - (c) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Outdoor Sales
 - (b) Temporary Outdoor Assembly
 - (c) Temporary Shelter Structure
 - (d) Temporary Storage Container
 - (e) Temporary On-Site Construction Storage
 - (f) Temporary Contractor's Project Office
 - (g) Temporary On-Site Real Estate Sales Office
 - (h) Temporary Vehicle Sales
 - (i) Farmer's Market (requires conditional use permit)

Section 10-36: (UMU) Urban Mixed Use Zoning District

(7) Density, Intensity, and Bulk Regulations for the (UMU) Urban Mixed Use District.

	Residential Uses	Nonresidential Uses
Minimum Lot Area	7,200 square feet for single family or two-flat 4,500 square feet per dwelling unit for duplexes and twin houses 4,000 square feet per dwelling unit for all other dwelling unit types	7,200 square feet
Maximum Density	10 dwelling units per acre	N/A
Maximum Building Coverage of Lot	50 percent	50 percent
Minimum Landscape Surface Ratio	35 percent	15 percent
Minimum Lot Width (per building, not unit)	100 feet	60 feet
Minimum Front Setback	15 feet	0 feet
Minimum Street Side Setback	12 feet	12 feet
Minimum Side Setback	10 feet	0 feet or 7 feet
Minimum Rear Setback	25 feet	15 feet
Maximum Principal Building Height	35 feet	45 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way	5 feet from side or rear, or 0 feet for shared driveway; 15 feet from right of way
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet	3 feet
Accessory Building Rear Setback	3 feet	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height	Lesser of 20 feet or principal building height
Parking Location	NA	Parking in front of building by conditional use only

Section 10-37: (DMU) Downtown Mixed Use Zoning District

Section 10-37: (DMU) Downtown Mixed Use Zoning District

- (1) Intent. This district is intended to permit both large and small scale “downtown” commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. The district is also intended to retain the existing “Main Street” characteristics of the core blocks in Shawano’s historic downtown.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Mixed Use Dwelling Unit
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Outdoor Open Space Institutional
 - (e) Passive Outdoor Recreation
 - (f) Active Outdoor Recreation
 - (g) Essential Services
 - (h) Small Scale Public Services and Utilities
 - (i) Office
 - (j) Personal or Professional Service
 - (k) Artisan Production Shop
 - (l) Indoor Sales or Service
 - (m) Satellite Dish
 - (n) Personal Antenna and Towers
 - (o) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Townhouse (3-10 units per building)
 - (b) Multiplex (3-10 units per building)
 - (c) Apartment (3-20 units per building)
 - (d) Cultivation
 - (e) Clear Cutting
 - (f) Market Garden
 - (g) Indoor Institutional
 - (h) Community Living Arrangement (1 to 16+ Residents)
 - (i) Institutional Residential
 - (j) Outdoor Display
 - (k) Physical Activity Studio
 - (l) Indoor Commercial Entertainment
 - (m) Outdoor Commercial Entertainment
 - (n) In-Vehicle Sales or Service
 - (o) Group Daycare Center
 - (p) Bed and Breakfast
 - (q) Vacation Rental Home
 - (r) Commercial Indoor Lodging
 - (s) Boarding House
 - (t) Indoor Maintenance Service
 - (u) Transit Center
 - (v) Off-Site Parking
 - (w) Large Wind Energy System
 - (x) Large Solar Energy System

Section 10-37: (DMU) Downtown Mixed Use Zoning District

- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Home Occupation
 - (b) Nonresidential Accessory Structure
 - (c) Recreational Facility
 - (d) Landscape Feature
 - (e) On-Site Parking
 - (f) Company Cafeteria
 - (g) Incidental Outdoor Display
 - (h) Incidental Indoor Sales
 - (i) Incidental Light Industrial

- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System

- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Outdoor Sales
 - (b) Temporary Outdoor Assembly
 - (c) Temporary Shelter Structure
 - (d) Temporary Storage Container
 - (e) Temporary On-Site Construction Storage
 - (f) Temporary Contractor’s Project Office
 - (g) Temporary On-Site Real Estate Sales Office
 - (h) Temporary Vehicle Sales
 - (i) Farmer’s Market (requires conditional use permit)

- (7) Density, Intensity, and Bulk Regulations for the (DMU) Downtown Mixed Use District.

	All Uses
Minimum Lot Area (per building, not unit)	N/A
Maximum Density	20 units per acre
Maximum Building Coverage of Lot	80 percent
Minimum Landscape Surface Ratio	N/A
Minimum Lot Width	N/A
Maximum Front and Street Side Setback	0 feet
Maximum Side Setback	0 feet or 10 feet
Minimum Rear Setback	15 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Height	20 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	0 feet or 10 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	0 feet
Minimum Parking Required	See Article III
Minimum Garage Door Setback to Alley (if applicable)	3 feet for doors parallel to alley; 8 feet for door perpendicular to alley
Accessory Building Side Setback	3 feet
Accessory Building Rear Setback	3 feet
Maximum Accessory Building Height	Lesser of 20 feet or principal building height

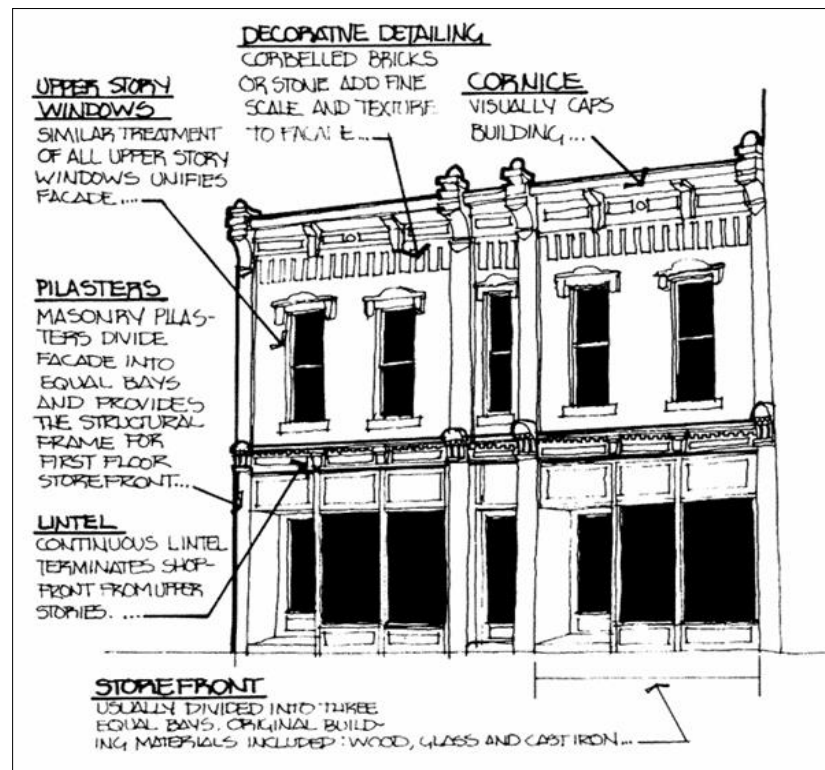
Section 10-37: (DMU) Downtown Mixed Use Zoning District

- (8) Design Standards.
- (a) Purpose. This district is intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area, as defined by the mapped boundaries of the Downtown Mixed Use District. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles.
 - (b) Application of Regulations. The regulations of this Section shall apply to changes to the exterior of any building within the mapped boundaries of the Downtown Mixed Use District.
 - (c) Review and Approval. There are three categories of review in this district: renovation review, design review, and project review. These categories and procedural requirements for review and approval are described fully in Section 10-175.
 - (d) Design Theme: The design theme for the Downtown Mixed Use District is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, multi-story structures, use of alleys for access, and on-street or other off-site parking. The design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque, and Neoclassical, in a two-story format with office, storage, or residential located over commercial. The facades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street yard and side yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominately of brick, stone, or wood. See Figure 10-37a. Exterior building materials are of high quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple, and muted. Exterior signage blends, rather than contrasts, with buildings in terms of coloring (complementary to building), location (on-building), size (small), and number (few).
 - (e) Designated Historic Structures. These regulations are separate and in addition to requirements related to changes to state and national landmarks.
 - (f) Design Standards. Construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall correspond to the urban design guidelines as determined and/or recommended by the Plan Commission and as evidenced by certain existing structures within the Downtown and by the following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.

Section 10-37: (DMU) Downtown Mixed Use Zoning District

- (g) Building Setback. Throughout the district, the setback of buildings from street-yard and side-yard property lines shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined and/or recommended by the Plan Commission.

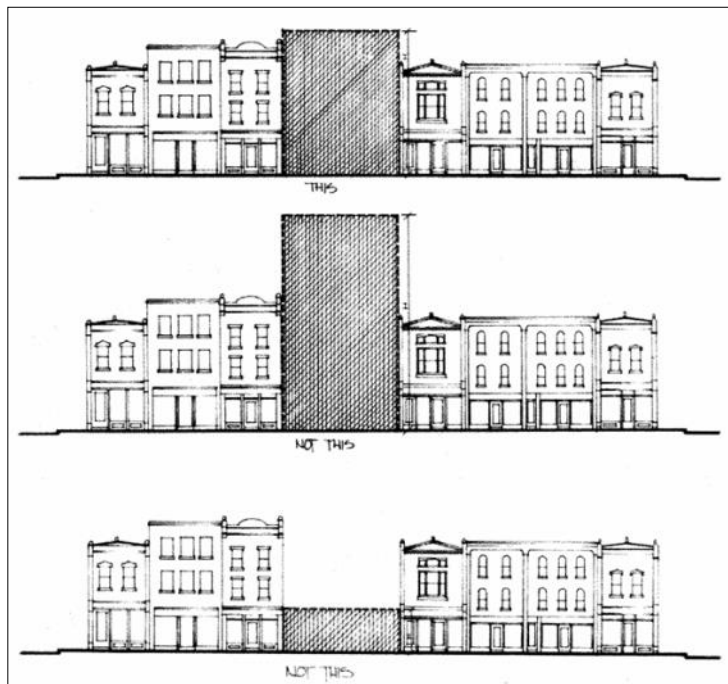
Figure 10-37a: Architectural Components



- (h) Building Height. Throughout the district, the height of buildings shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined and/or recommended by the Plan Commission. In no instance shall buildings be more than one story taller or shorter than the height of a building of similar use on one of the immediately adjoining properties, which conform to the design theme described in Subsection (d) above, as determined and/or recommended by the Plan Commission. See Figure 10-37b.
- (i) Building Mass. Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined and/or recommended by the Plan Commission. The characteristic proportion (relationship between façade height and width) of the design theme shall be maintained. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings, as determined and/or recommended appropriate by the Plan Commission.

Section 10-37: (DMU) Downtown Mixed Use Zoning District

- (j) Horizontal Rhythms. The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission.
- (k) Vertical Rhythms. The floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission.

Figure 10-37b: Building Height Example

- (l) Roof Forms. Flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the design theme described in Subsection (d) above, as determined by the Plan Commission, shall not be used. Throughout the District, roof shapes not characteristic of the design theme described in Subsection (d) above, as determined by the Plan Commission, shall not be used. See Figure 10-37c.

Section 10-37: (DMU) Downtown Mixed Use Zoning District

Figure 10-37c: Roof Forms

ected building materials shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission.

1. Masonry. Stone or brick facing should be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.
 2. Siding. Wood or thin board texture vinyl or textured metal clapboard siding may be appropriate -- particularly if the proposed non-masonry exterior was used on a building which conforms to the design theme described in Subsection (d) above, as determined by the Plan Commission. In certain instances clapboard, board and batten may be in keeping with the design theme. Asphalt shingles shall not be permitted.
 3. Glazing. Clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted.
- (n) Exterior Surface. Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission.
1. The traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, windows, and transom windows) shall be employed for all new nonresidential buildings -- including retail, office, professional service, personal service, maintenance, lodging, entertainment, and storage uses.
 2. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the design theme described in Subsection (d) above, as determined by the Plan Commission, is also prohibited.

Section 10-37: (DMU) Downtown Mixed Use Zoning District

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- (o) Awnings. Throughout the district, awning size, color and placement should complement the architectural character of the building, as determined by the Plan Commission. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Aluminum or suspended metal canopies shall be prohibited. Signage applied to awnings shall be simple and durable. Backlit awnings are prohibited.
- (p) Exterior Colors. Selected exterior colors for structures and appurtenances including fixtures and signs shall be compatible and harmonious with those of existing buildings in the immediate area which conform to the design theme described in Subsection (d) above, as determined by the Plan Commission. Specifically:
1. Primary (red, blue, green, and yellow) colors, black, and fluorescent, “day glow”, and/or “neon” colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 2. High gloss paints, lacquers, varnishes or other “shiny” non-glazing surfaces shall not be used.
 3. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.)
 4. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all façades of a building or structure.
- (q) Exterior Lighting. Throughout the district, on-site exterior lighting shall be compatible and harmonious with the design theme described in Subsection (d) above, as determined by the Plan Commission. Specifically:
1. Pedestrian Lighting: The design, color, height, location and light quality of on-site pedestrian lighting shall be consistent with the pedestrian lighting fixtures.
 2. Vehicular Circulation Lighting: The design, color, height, location and light quality of on-site vehicular circulation lighting for officially designated historic properties shall be consistent with the lighting fixtures approved by the Plan Commission.
 3. 3. Additional lighting standards are found in Section 10-106.
- (r) Signage. All signage, existing upon the adoption date of this Ordinance, which does not comply with the standards of Article IX: Signage, may be continued as long as it is well maintained. However, the maintenance of such legal nonconforming signs shall be limited to repair of the sign structural or lighting elements, and to the repainting or replacement of the sign face with identical new material, message, and original appearance. Should a change in material, message, or original appearance be desired, the legal nonconforming sign shall be removed.
- (s) Cleaning. Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods. Low pressure water and soft natural bristle brushes are acceptable. Sandblasting is never acceptable, except for the purposes of graffiti removal. Other cleaning methods shall be pre-approved by the Plan Commission.
- (t) Rehabilitation and Restoration. New projects, building additions, and new appurtenances and features shall comply with the provisions of Subsections (a) through (m) above. The following standards shall apply where existing construction is proposed for rehabilitation and/or restoration:

Section 10-37: (DMU) Downtown Mixed Use Zoning District

1. In General. Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the design theme described in Subsection (d) above, as determined by the Plan Commission. Specifically, throughout the Downtown Mixed Use District, the provisions of this subsection shall apply.
2. Exterior Materials and Surface Features. Materials and features identical to the original shall be used. Where such knowledge is lacking, materials and features in common use at the time of building erection, as determined by the Plan Commission, shall be used. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.
3. Windows and Doors. The size, proportion and rhythm of original windows and doors shall not be altered. Original window and door openings shall not be blocked, except with a dark opaque panel placed behind the window or door to preserve the appearance of the opening. Where now blocked in another manner, blocked window and doors shall be restored using said method. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible, or replaced with identical features and materials. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows. Clear aluminum finishes and mill finish aluminum storm windows are prohibited. Real shutters and awnings shall be used if there is evidence that they were a component of the original building design. Vinyl and plastic shutters and awnings shall be prohibited.
4. Shop Fronts. Shop fronts should fit inside the original shop front in terms of all three dimensions (vertical, horizontal and front to back articulation).
5. Display Windows. Display windows should be restored to their original appearance.
6. Entrances and Porches. Original porches and steps shall be retained, except as required to meet accessibility standards. Porches, steps and related enclosures which do not comply with the architectural design theme, as determined by the Plan Commission, shall be removed.
7. Roofs. The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme as determined by the Plan Commission.

Section 10-38: (BP) Business Park Zoning District

Section 10-38: (BP) Business Park Zoning District

- (1) Intent. This district intended to accommodate high-quality business, industrial, office, and related land uses at an intensity that is compatible with the overall community character of the City.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Outdoor Open Space Institutional
 - (e) Passive Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Office
 - (i) Personal or Professional Service
 - (j) Artisan Production Shop
 - (k) Indoor Maintenance Service
 - (l) Light Industrial
 - (m) Indoor Storage and Wholesaling
 - (n) Satellite Dish
 - (o) Personal Antenna and Towers
 - (p) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Clear Cutting
 - (b) Indoor Institutional
 - (c) Active Outdoor Recreation
 - (d) Physical Activity Studio
 - (e) Group Daycare Center
 - (f) Transit Center
 - (g) Distribution Center
 - (h) Off-Site Parking
 - (i) Communication Tower
 - (j) Large Wind Energy System
 - (k) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Nonresidential Accessory Structure
 - (b) Recreational Facility
 - (c) Landscape Feature
 - (d) On-Site Parking
 - (e) Company Cafeteria
 - (f) Incidental Indoor Sales
 - (g) Incidental Light Industrial
 - (h) Incidental Outdoor Display

Section 10-38: (BP) Business Park Zoning District

- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Shelter Structure
 - (b) Temporary Storage Container
 - (c) Temporary On-Site Construction Storage
 - (d) Temporary Contractor’s Project Office
 - (e) Temporary On-Site Real Estate Sales Office
 - (f) Temporary Vehicle Sales
- (7) Density, Intensity, and Bulk Regulations for the (BP) Business Park District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio	20 percent
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	80 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III

Section 10-39: (LI) Light Industrial Zoning District

Section 10-39: (LI) Light Industrial Zoning District

- (1) Intent. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. The primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Outdoor Open Space Institutional
 - (e) Passive Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Office
 - (i) Personal or Professional Service
 - (j) Artisan Production Shop
 - (k) Indoor Maintenance Service
 - (l) Light Industrial
 - (m) Indoor Storage and Wholesaling
 - (n) Satellite Dish
 - (o) Personal Antenna and Towers
 - (p) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Clear Cutting
 - (b) Agricultural Service
 - (c) Indoor Institutional
 - (d) Active Outdoor Recreation
 - (e) Large Scale Public Services and Utilities
 - (f) Outdoor Maintenance Service
 - (g) Intensive Outdoor Activity
 - (h) Production Greenhouse
 - (i) Indoor Food Production
 - (j) Outdoor Storage and Wholesaling
 - (k) Personal Storage Facility
 - (l) Distribution Center
 - (m) Freight Terminal
 - (n) Off-Site Parking
 - (o) Communication Tower
 - (p) Large Wind Energy System
 - (q) Large Solar Energy System
 - (r) Indoor sales and Service
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Nonresidential Accessory Structure

Section 10-39: (LI) Light Industrial Zoning District

- (b) Recreational Facility
 - (c) Landscape Feature
 - (d) On-Site Parking
 - (e) Company Cafeteria
 - (f) Incidental Indoor Sales
 - (g) Incidental Light Industrial
 - (h) Incidental Outdoor Display
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
- (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Shelter Structure
 - (b) Temporary Storage Container
 - (c) Temporary On-Site Construction Storage
 - (d) Temporary Contractor’s Project Office
 - (e) Temporary On-Site Real Estate Sales Office
 - (f) Temporary Vehicle Sales
- (7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Nonresidential Uses
Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	60 percent
Minimum Landscape Surface Ratio	10 percent
Minimum Lot Width	50 feet
Minimum Front Setback	25 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	15 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III

Section 10-40: (GI) General Industrial Zoning District

Section 10-40: (GI) General Industrial Zoning District

- (1) Intent. This district intended to provide space for manufacturing and industrial operations which are potentially incompatible with other uses and which should be distant from residential areas.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Outdoor Open Space Institutional
 - (e) Passive Outdoor Recreation
 - (f) Essential Services
 - (g) Small Scale Public Services and Utilities
 - (h) Office
 - (i) Personal or Professional Service
 - (j) Artisan Production Shop
 - (k) Indoor Maintenance Service
 - (l) Light Industrial
 - (m) Indoor Storage and Wholesaling
 - (n) Satellite Dish
 - (o) Personal Antenna and Towers
 - (p) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Clear Cutting
 - (b) Intensive Agriculture
 - (c) Agricultural Service
 - (d) Indoor Institutional
 - (e) Large Scale Public Services and Utilities
 - (f) Active Outdoor Recreation
 - (g) Indoor Sales and Service
 - (h) Outdoor Display
 - (i) Outdoor Maintenance Service
 - (j) Vehicle Service
 - (k) Vehicle Repair
 - (l) Lake-Related Recreation
 - (m) Intensive Outdoor Activity
 - (n) Sexually-Oriented Land Use
 - (o) Heavy Industrial
 - (p) Production Greenhouse
 - (q) Indoor Food Production
 - (r) Outdoor Storage and Wholesaling
 - (s) Personal Storage Facility
 - (t) Distribution Center
 - (u) Freight Terminal
 - (v) Off-Site Parking
 - (w) Communication Tower
 - (x) Composting
 - (y) Recycling and Waste Disposal

Section 10-40: (GI) General Industrial Zoning District

- (z) Salvage or Junkyard
 - (aa) Sand and Mineral Processing
 - (bb) Large Wind Energy System
 - (cc) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Nonresidential Accessory Structure
 - (b) Recreational Facility
 - (c) Landscape Feature
 - (d) On-Site Parking
 - (e) Company Cafeteria
 - (f) Incidental Indoor Sales
 - (g) Incidental Light Industrial
 - (h) Incidental Outdoor Display
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
- (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
- (a) Temporary Shelter Structure
 - (b) Temporary Storage Container
 - (c) Temporary On-Site Construction Storage
 - (d) Temporary Contractor’s Project Office
 - (e) Temporary On-Site Real Estate Sales Office
 - (f) Temporary Vehicle Sales
- (7) Density, Intensity, and Bulk Regulations for the (GI) General Industrial District.

	Nonresidential Uses
Minimum Lot Area	10,000 square feet
Maximum Building Coverage of Lot	70 percent
Minimum Landscape Surface Ratio	10 percent
Minimum Lot Width	50 feet
Minimum Front Setback	15 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III

Section 10-41: (ME) Mineral Extraction Zoning District

Section 10-41: (ME) Mineral Extraction Zoning District

- (1) Intent. This district intended to provide for quarrying and sand and gravel extraction, uses which, if sited properly, can be located within the City.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Community Garden
 - (b) Light Industrial
 - (c) Indoor Storage and Wholesaling
 - (d) Satellite Dish
 - (e) Personal Antenna and Towers
 - (f) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Cultivation
 - (b) Heavy Industrial
 - (c) Communication Tower
 - (d) Extraction
 - (e) Sand and Mineral Processing
 - (f) Large Wind Energy System
 - (g) Large Solar Energy System
- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Nonresidential Accessory Structure
 - (b) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Shelter Structure
 - (b) Temporary Storage Container
 - (c) Temporary On-Site Construction Storage
 - (d) Temporary Contractor's Project Office
 - (e) Temporary Vehicle Sales

Section 10-42: (PL) Public Lands Zoning District

- (7) Density, Intensity, and Bulk Regulations for the (ME) Mineral Extraction District.

	Nonresidential Uses
Minimum Lot Area	2 acres
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio	20 percent
Minimum Lot Width	200 feet
Minimum Front Setback	50 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	25 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	80 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	50 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III

Section 10-42: (PL) Public Lands Zoning District

- (1) Intent. This district intended to accommodate areas which are in public ownership and use.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Cultivation
 - (b) Selective Cutting
 - (c) Community Garden
 - (d) Market Garden
 - (e) Outdoor Open Space Institutional
 - (f) Passive Outdoor Recreation
 - (g) Active Outdoor Recreation
 - (h) Essential Services
 - (i) Small Scale Public Services and Utilities
 - (j) Satellite Dish
 - (k) Personal Antenna and Towers
 - (l) Communication Antenna
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (a) Clear Cutting
 - (b) Indoor Institutional
 - (c) Intensive Outdoor Activity
 - (d) Communication Tower
 - (e) Large Wind Energy System
 - (f) Large Solar Energy System

Section 10-42: (PL) Public Lands Zoning District

- (4) Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Nonresidential Accessory Structure
 - (b) Recreational Facility
 - (c) Landscape Feature
 - (d) On-Site Parking
- (5) Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - (a) Small Wind Energy System
 - (b) Small Solar Energy System
- (6) Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
 - (a) Temporary Shelter Structure
 - (b) Temporary Storage Container
 - (c) Temporary On-Site Construction Storage
 - (d) Temporary Contractor’s Project Office
 - (e) Temporary Vehicle Sales
- (7) Density, Intensity, and Bulk Regulations for the (PL) Public Lands District.

	All Uses
Minimum Lot Area	N/A
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio	20 percent
Minimum Lot Width	N/A
Minimum Front Setback	25 feet
Minimum Street Side Setback	25 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	10 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side or rear, or 0 feet for shared driveway; 10 feet from right of way
Minimum Parking Required	See Article III

Section 10-43: (PD) Planned Development

Section 10-43: (PD) Planned Development

- (1) Purpose. The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district (see Article II). In exchange for such flexibility, planned developments shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments.
- (2) Intent. Planned developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Shawano Comprehensive Plan. To this end, planned developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage economic development and more rational developments with regard to public services and to encourage and facilitate preservation of open space and natural resources. Planned developments are not intended to circumvent the intent of other zoning districts or this Chapter.
- (3) Applicability.
 - (a) Ownership. A tract of land proposed to be developed as a PD shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county.
 - (b) Size. There is no minimum or maximum size for a PD.
 - (c) Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as PDs if, as a result of a condominium division of the land, the lot requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting lot size would be less than otherwise required.
- (4) See Section 10-177 for the process to establish Planned Development Zoning.
- (5) See Sections 10-177(3)(c) and 10-177(3)(d) for the General Development Plan and Specific Implementation Plan requirements.
- (6) Planned Developments are exempt from the requirements of Section 10-118 Group and Large Developments.

Section 10-44: (CD) Campus Development Zoning District

Section 10-44: (CD) Campus Development Zoning District

- (1) Intent. This district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City, to facilitate their development, and to coordinate their futures with those of their neighbors and the community as a whole. All properties located within a Campus Development zoning district shall be owned, under a contract to purchase or a similar arrangement, or otherwise under control by the main campus entity, as demonstrated to the satisfaction of the City.

This district is also intended to:

- (a) Permit appropriate campus growth, while minimizing adverse impacts associated with modifications, infill development, and/or expansion.
 - (b) Recognize the sharing of parking, green space, and other efficiencies that come with integrated campus planning and development.
 - (c) Balance the ability of a campus to evolve and the public benefits associated with such development with the need to protect the livability and vitality of nearby properties and neighborhoods.
 - (d) Encourage the preparation of campus master plans that establish full conforming zoning status, facilitate predictable campus development, and enable nearby property owners, residents and the community to understand short-term development proposals, impacts and mitigation strategies within the context of long-term development possibilities.
- (2) See Section 10-180 for the process to establish Campus Development Zoning.
- (3) See Section 10-180(5) for the Campus Master Plan requirements.
- (4) Interim Campus Development zoning. The following shall apply to properties zoned Campus Development prior to the adoption of a Campus Master Plan.
- (a) All existing land uses, structures, paved areas, and lots are legal and conforming, consistent with Article V.
 - (b) All future development is exempt from the requirements of Section 10-118 Group and Large Developments.
 - (c) All future land uses, structures, and paved areas shall be regulated as follows:
 1. Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - a. Cultivation
 - b. Husbandry
 - c. Onsite Agricultural Retail
 - d. Selective Cutting
 - e. Clear Cutting
 - f. Community Garden
 - g. Market Garden
 - h. Indoor Institutional
 - i. Outdoor Open Space Institutional
 - j. Passive Outdoor Recreation
 - k. Active Outdoor Recreation
 - l. Essential Services
 - m. Small Scale Public Services and Utilities

Section 10-44: (CD) Campus Development Zoning District

- n. Satellite Dish
 - o. Personal Antenna and Towers
 - p. Communication Antenna
2. Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - a. Intensive Outdoor Activity
 - b. Indoor Commercial Entertainment
 - c. Outdoor Commercial Entertainment
 - d. Campground
 - e. Intensive Outdoor Activity
 - f. Production Greenhouse
 - g. Indoor Food Production
 - h. Communication Tower
 - i. Large Wind Energy System
 - j. Large Solar Energy System
 3. Accessory Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - a. Nonresidential Accessory Structure
 - b. Recreational Facility
 - c. Landscape Feature
 - d. On-Site Parking
 - e. Incidental Outdoor Display
 - f. Incidental Indoor Sales
 4. Accessory Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - a. Small Wind Energy System
 - b. Small Solar Energy System
 5. Temporary Uses. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - a. Temporary Farm Products Sales
 - b. Temporary Outdoor Sales
 - c. Temporary Outdoor Assembly
 - d. Temporary Shelter Structure
 - e. Temporary Storage Container
 - f. Temporary Moving Container
 - g. Temporary On-Site Construction Storage
 - h. Temporary Contractor's Project Office
 - i. Temporary Relocatable Building
 - j. Temporary Vehicle Sales
 - k. Farmer's Market

Sections 10-45 to 10-49: Reserved

(5) Land Use Regulations

- (a) All land uses and development (including buildings, structures, paved areas, fixtures, landscaping and signage) existing as of the date of Campus Master Plan approval which are depicted on the approved Campus Existing Conditions Graphic and/or listed on the approved Campus Existing Development Inventory, shall be considered as fully legal, conforming land uses and development, unless explicitly identified by the City within the Campus Master Plan approval documentation as having a legal nonconforming or nonconforming status.
- (b) Proposed land uses and development which are located within the Campus Development zoning district, and which are consistent with the approved Campus Plan Graphic and/Campus Plan Development Inventory, shall be considered, reviewed and approved prior to the time of their development, per Section 10-180.
- (c) Specific land uses and development within the Campus Development zoning district which are inconsistent with an approved Campus Master Plan shall be follow the land use regulations for Interim Campus Development Zoning under Subsection (4) above. See Section 10-180 for expired Campus Master Plans.
- (d) A Planned Development may be proposed, considered and approved within any portion of the area of an approved Campus Master Plan, and if approved, shall supersede explicitly approved provisions of the Campus Master Plan and the Zoning Ordinance, for the area included within the boundaries of the Planned Development.

Sections 10-45 to 10-49: Reserved

Section 10-50: Purpose

ARTICLE III: LAND USE REGULATIONS**Section 10-50: Purpose**

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

Section 10-51: Regulation of Allowable Uses

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 10-55 through 10-66. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 10-176. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to determine if an amendment to this Chapter is necessary.

- (1) **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter “P” in Section 10-54) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable City, county, state, and federal regulations.
- (2) **Principal Land Uses Permitted as Conditional Uses.** Principal land uses allowed only with a conditional use permit (designated by the letter “C” in Section 10-54) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 10-171. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a general development plan and specific implementation plan in a planned development (see Section 10-177), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 10-171.
- (3) **Accessory Land Uses.** Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the following listed regulations.
 - (a) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter.
 - (b) Accessory land uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard.
 - (c) With the exception of an in-home suite or Accessory Dwelling Units, in no instance shall an accessory structure, cellar, basement, tent, or recreational trailer be used as a residence.

Section 10-52: Regulations Applicable to All Land Uses

- (4) Temporary Land Uses. Temporary land uses permitted by right (designated by the letter “P” in the Table of Land Uses in Section 10-54) are permitted on a temporary basis subject to permitting requirements of Section 10-172 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter “C” in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 10-172 and 10-171.

Section 10-52: Regulations Applicable to All Land Uses

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

- (1) Land Use Regulations and Requirements. All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the City of Shawano.
- (2) Density, Intensity, and Bulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.
- (3) Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements any applicable Overlay Zoning District (see Article VI).
- (4) Exterior Site and Building Design Standards. All new, remodeled, and expanded residential and nonresidential development shall comply with the all applicable building and site design guidelines as required in Section 10-101 of this Chapter.
- (5) Performance Standards. All development of land shall comply with all applicable requirements established in Article VII.
- (6) Landscape Regulations. All development of land shall comply with all the regulations and requirements of Article VIII pertaining to the provision of landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between adjoining zoning districts which are directly related to the effective bulk of a structure.
- (7) Signage Regulations. All land use and/or development of land shall comply with all requirements of Article IX, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.
- (8) Number of Buildings per Lot. Only one principal building shall be permitted on any one lot, with the following exceptions:
 - (a) Group Developments (per Section 10-118)
 - (b) Large Developments (per Section 10-118)
 - (c) Planned Developments (per Section 10-43)
 - (d) Temporary buildings
 - (e) Mobile home parks
- (9) Mixing Residential and Nonresidential Uses in a Building. With the exception of Mixed Use Dwelling Units, Accessory Dwelling units, Home Occupations, and In-Family Suite land uses, no building containing a nonresidential land use shall contain a residential land use.

Section 10-52: Regulations Applicable to All Land Uses

- (10) Multi-Tenant Arrangements. Multiple permitted by right land uses are allowed in a multi-business building and only require a land use permit (Section 10-173) to confirm the proposed tenants are permitted by right. Examples include a multi-tenant office building; a strip mall; an antique mall; a downtown building mixing office, personal or professional services, and indoor sales and service land uses; co-working space; and other arrangements with multiple permitted uses in one or more occupied spaces. A land use which is regulated as a conditional use may only occupy multi-tenant arrangements as approved through the conditional use process (Section 10-171) or a successor conditional use.
- (11) Accessory Uses. Accessory uses may be allowed where they comply with the following conditions and requirements:
- (a) Separation from principal structures. Detached accessory buildings shall be located a minimum of five (5) feet from a residential dwelling unit on the same lot, except where the structure will be constructed to fire-rating standards of the Uniform Dwelling Code. The “separation” distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments may be located in the required separation area and do not render the structures attached for setback purposes.
 - (b) Accessory structure setbacks on corner lots. The average setback of the four, or less, nearest buildings may be used to determine the side street setback of an accessory building on a corner lot, but in no case shall the reduced setback be less than 20 feet nor more than 50 feet, except on a 44-foot-wide corner lot the setback may be reduced to 17 feet.
 - (c) Accessory structures attached to principal buildings. When an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main buildings.
 - (d) Conversion of accessory structures to dwellings. The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter. The resulting occupancy will comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.
 - (e) Accessory structures without principal structure. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure, except for a mobile, free standing “tool shed” on an abutting lot to a residential lot under the same ownership containing the principal buildings.
- (12) Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 10-118.
- (13) Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Section 10-43 and 10-177.
- (14) Nonconforming Lots, Uses, Structures, and Site Requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article II. Land uses located on substandard lots or on nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of Article V. Substandard lots are buildable, provided the structures meet all other requirements of this Chapter.

Section 10-53: Detailed Land Use Descriptions and Regulations

- (15) Site Plan Review Required. All uses are subject to site plan review and approval in accordance with Section 10-174 of this Chapter, except for the following:
- (a) Single family and two family residential uses on individual lots in any zoning district.
 - (b) Residential developments with less than 12 units.
 - (c) Nonresidential development under 20,000 square feet.
 - (d) Agricultural land uses which are permitted by right in any agriculture zoning district.
 - (e) Uses within a specific implementation plan in a planned development in accordance with the procedures of Section 10-177(3)(d), provided that the specific implementation plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- (16) Filling. Filling, apart from an approved site plan and building or demolition permit, shall be in accordance with the following:
- (a) Filling of low areas on lots or sites in the City of Shawano involving amounts of fill in excess of 100 cubic yards shall require a development permit issued by the Zoning Administrator.
 - (b) Applicants for approval to fill must submit plans indicating the amount of fill proposed, type of fill, and the location of the fill.
 - (c) Upon inspection of the site, the Zoning Administrator may request the City Engineer to review the proposed fill and submit a written comment on the proposal.
 - (d) If the City Engineer determines that the proposed fill would cause flooding or drainage problems on adjoining properties, the Zoning Administrator may reject, condition, or impose limitations on the proposed filling.
- (17) Procedural Regulations and Requirements. All land use and/or development of land shall comply with all requirements of Article X, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

Section 10-53: Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Section 10-55 through Section 10-66. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 10-162 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

Section 10-54: Table of Land Uses

The Table of Land Uses on the following pages is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this Chapter and the Table of Land Uses, the text shall prevail.

Section 10-54: Table of Land Uses

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Single Family and Two-Flat Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 10 (MR-10)	Multi-Family Residential – 20 (MR-20)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Public Lands (PL)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
Dwelling Unit Type																		
P	P	P	P	P	P	P	P	P	P		P							(1) Single family 35 acre lot
	P	P	P	P	P	P	P	P	P		P							(1) Single family 14,000 sq. ft. lot
		P	P	P	P	P	P	P	P		P							(1) Single family 9,000 sq. ft. lot
			P	P	P	P	P	P	P		P							(1) Single family 7,200 sq. ft. lot
				P														(1) Single family 6,000 sq. ft. lot
				P	P	P	P		P		P							(2) Two Flat 7,200 sq. ft. lot
				P														(2) Two Flat 6,000 sq. ft. lot
					P	P	P				C							(3) Twin House - two 4,500 sq. ft. lots
					P	P	P				C							(4) Duplex 4,500 sq. ft. lot
						P	P		P	C	C	C						(5) Townhouse 3-4 units
						C	P		C	C	C	C						(5) Townhouse 5-10 units
						P	P		P	C	C	C						(6) Multiplex 3-4 units
						C	P		C	C	C	C						(6) Multiplex 5-10 units
						P	P		P	C	C	C						(7) Apartment 3-4 units
						C	P		C	C	C	C						(7) Apartment 5-10 units
							C			C	C	C						(7) Apartment 11-20 units
								P										(8) Mobile Home 7,200 sq. ft. lot
								P										(9) Mobile Home Subdivision 7,200 sq. ft. lot
								C										(10) Mobile Home Park 4,000 sq. ft. per du
									P	P	P	P						(11) Mixed Use Dwelling Unit
Agricultural Land Uses																		
P	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	C	P	(1) Cultivation
C																		(2) Husbandry
C																		(3) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(4) Selective Cutting

Section 10-54: Table of Land Uses

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Single Family and Two-Flat Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 10 (MR-10)	Multi-Family Residential – 20 (MR-20)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Public Lands (PL)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	(5) Clear Cutting
C																	C	(6) Intensive Agriculture
C														C	C			(7) Agricultural Service
P	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Community Garden
C									C	C	C	C					P	(9) Market Garden
Institutional Land Uses																		
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	(1) Indoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(2) Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(3) Passive Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C		P	(4) Active Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(5) Essential Services
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(6) Small Scale Public Services and Utilities
C														C	C			(7) Large Scale Public Services and Utilities
P	P	P	P	P	P	P	P	P	P	P	P	C						(8) Comm. Living Arrangement 1-8 Res.
					C	P	P		C	C	C	C						(9) Comm. Living Arrangement 9-15 Res.
						C	C		C	C	C	C						(10) Comm. Living Arrangement 16+ Res.
						C	C		C	C	C							(11) Institutional Residential
Commercial Land Uses																		
									P	P	P	P	P	P	P			(1) Office
									P	P	P	P	P	P	P			(2) Personal or Professional Service
									P	P	P	P		C	C			(3) Indoor Sales or Service
									C	C	C	C			C			(4) Outdoor Display
C									P	P	P	P	P	P	P			(5) Artisan Production Shop
									C	C	C	C	C					(6) Physical Activity Studio
									C	C	C	C						(7) Indoor Commercial Entertainment
									C	C	C	C						(8) Outdoor Commercial Entertainment
									C	C	C	C						(9) In-Vehicle Sales or Service

Section 10-54: Table of Land Uses

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Single Family and Two-Flat Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 10 (MR-10)	Multi-Family Residential – 20 (MR-20)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Public Lands (PL)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
									C	C	C	C	C					(10) Group Daycare Center
C										C								(11) Commercial Animal Boarding/Daycare
C	C	C	C	C	C	C	C		C	C	C	C						(12) Bed and Breakfast
									C	C	C	C						(13) Vacation Rental Home
									C	C	C	C						(14) Commercial Indoor Lodging
						C	C		C	C	C	C						(15) Boarding House
C																		(16) Campground
									P	P	P	C	P	P	P			(17) Indoor Maintenance Service
														C	C			(18) Outdoor Maintenance Service
										C	C							(19) Vehicle Sales
										C	C				C			(20) Vehicle Service
										C	C				C			(21) Vehicle Repair
C										C	C				C			(22) Lake-Related Recreation
C														C	C	C		(23) Intensive Outdoor Activity
															C			(24) Sexually-Oriented Land Use
Industrial Land Uses																		
													P	P	P	P		(1) Light Industrial
															C	C		(2) Heavy Industrial
C														C	C			(3) Production Greenhouse
C														C	C			(4) Indoor Food Production
Storage Uses																		
C													P	P	P	P		(1) Indoor Storage and Wholesaling
														C	C			(2) Outdoor Storage and Wholesaling
														C	C			(3) Personal Storage Facility
Transportation Land Uses																		
						C		C	C	C	C	C	C					(1) Transit Center
													C	C	C			(2) Distribution Center

Section 10-54: Table of Land Uses

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Single Family and Two-Flat Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 10 (MR-10)	Multi-Family Residential – 20 (MR-20)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Public Lands (PL)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
																		(3) Freight Terminal
C																		(4) Airport
										C								(5) Heliport
									C	C	C	C	C	C	C			(6) Off-Site Parking
Telecommunication Land Uses																		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Satellite Dish
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(2) Personal Antenna and Towers
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(3) Communication Antenna
C										C			C	C	C	C	C	(4) Communication Tower
Extraction and Disposal Land Uses																		
																C		(1) Extraction
C																C		(2) Composting
																C		(3) Recycling and Waste Disposal
																C		(4) Salvage or Junkyard
																C	C	(5) Sand and Mineral Processing
Energy Production Land Uses																		
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(1) Large Wind Energy System
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(2) Large Solar Energy System
Accessory Land Uses																		
P	P	P	P	P	P	P	P	P	P	P	P	P						(1) Home Occupation
P	P	P	P	P	P	P	P	P	P	P	P							(2) In-Home Daycare 4-8 Children
P	P	P	P	P	P	P	P	P	P	P	P							(3) In-Family Suite
					C	C	C	C	C		C							(4) Accessory Dwelling Unit
P																		(5) Farm Residence
C																		(6) Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P							(7) Residential Accessory Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Nonresidential Accessory Structure

Section 10-54: Table of Land Uses

Rural Holding (RH-35)	Single Family Residential – 2 (SR-2)	Single Family Residential – 4 (SR-4)	Single Family Residential – 5 (SR-5)	Single Family and Two-Flat Residential – 6 (SR-6)	Two Family Residential – 6 (TR-6)	Multi-Family Residential – 10 (MR-10)	Multi-Family Residential – 20 (MR-20)	Mobile Home – Residential – 8 (MH-8)	Neighborhood Mixed Use (NMU)	Community Mixed Use (CMU)	Urban Mixed Use (UMU)	Downtown Mixed Use (DMU)	Business Park (BP)	Light Industrial (LI)	General Industrial (GI)	Mineral Extraction (ME)	Public Lands (PL)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages. P: By Right C: By Conditional Use Permit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(9) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	(10) Landscape Feature
P	P	P	P	P	P	P	P	P	P	P	P							(11) Residential Kennel
P																		(12) Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(13) On-Site Parking
P									P	P	P	P	P	P	P			(14) Company Cafeteria
P									P	P	P	P	P	P	P			(15) Incidental Outdoor Display
P									P	P	P	P	P	P	P			(16) Incidental Indoor Sales
P									P	P	P	P	P	P	P			(17) Incidental Light Industrial
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(18) Small Wind Energy System
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(19) Small Solar Energy System
Temporary Land Uses																		
P																		(1) Temporary Farm Product Sales
P									P	P	P	P						(2) Temporary Outdoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P						(3) Temporary Outdoor Assembly
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(4) Temporary Shelter Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Temporary Storage Container
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Temporary On-Site Construction Storage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(7) Temporary Contractor’s Project Office
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(8) Temp. On-Site Real Estate Sales Office
P	P	P	P	P	P	P												(9) Temporary Relocatable Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(10) Temporary Vehicle Sales
P	P	P	P	P	P													(11) Garage or Estate Sale
C									C	C	C	C						(12) Farmer’s Market

Section 10-55: Residential Land Uses

Section 10-55: Residential Land Uses

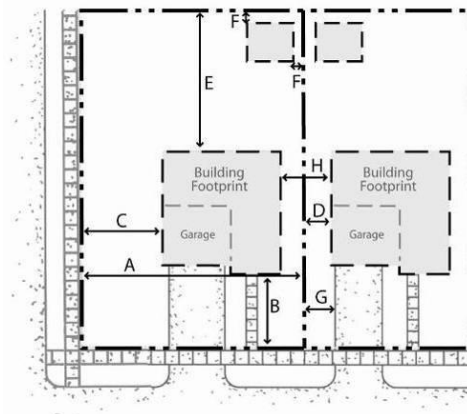
- (1) **Single Family:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single family residence which is located on an individual lot.

Regulations:

- The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
- The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- Minimum required parking: Two spaces.
- This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family land uses. Specific requirements for Single Family uses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- Minimum lot width (at building minimum setback line)
- Street setback (lot line to principal building or attached garage)
- Corner lot (street side) setback (lot line to principal building or attached garage)
- Side setback (lot line to principal building or attached garage)
- Rear setback (lot line to principal building or attached garage)
- Accessory building side and rear setback (lot line to accessory building)
- Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- Minimum principal building separation (multi-structure developments on shared lots)



- (2) **Two Flat:** This dwelling unit type consists of a single structure with two separate residences each having a private individual access, and no shared internal access. Two Flats are attached units within a two-story structure with one unit above the other.

Regulations:

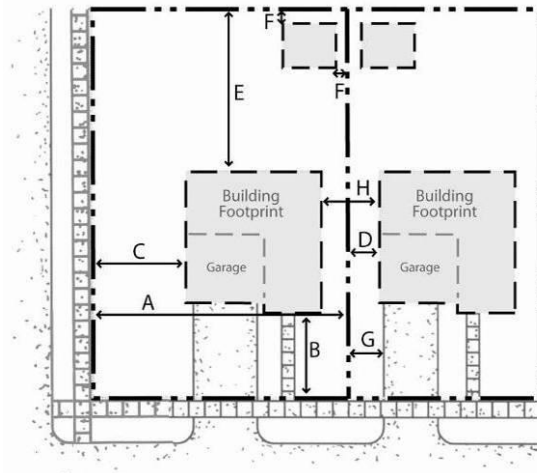
- Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.

Section 10-55: Residential Land Uses

- (b) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (c) This dwelling unit type may not be split into additional residences.
- (d) Minimum required parking: Two spaces per dwelling unit.
- (e) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two Flat land uses. Specific requirements for Two Flats can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage)
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (3) Twin-House: This dwelling unit type consists of two separate residences, each having a private individual access and no shared internal access. Similar to Duplexes, Twin-Houses are attached side-by-side units, each with a ground floor and roof. Unlike Duplexes, Twin-Houses are located on separate lots.

Regulations:

- (a) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (b) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (c) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (d) This dwelling unit type may not be split into additional residences.
- (e) Minimum required parking: Two spaces per dwelling unit.

Section 10-55: Residential Land Uses

- (f) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Twin-House land uses. Specific requirements Twin-Houses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (4) Duplex: This dwelling unit type consists of two separate residences, each having a private individual access, and no shared internal access. Duplexes are attached side-by-side units located on one lot, each with a ground floor and roof.

Regulations:

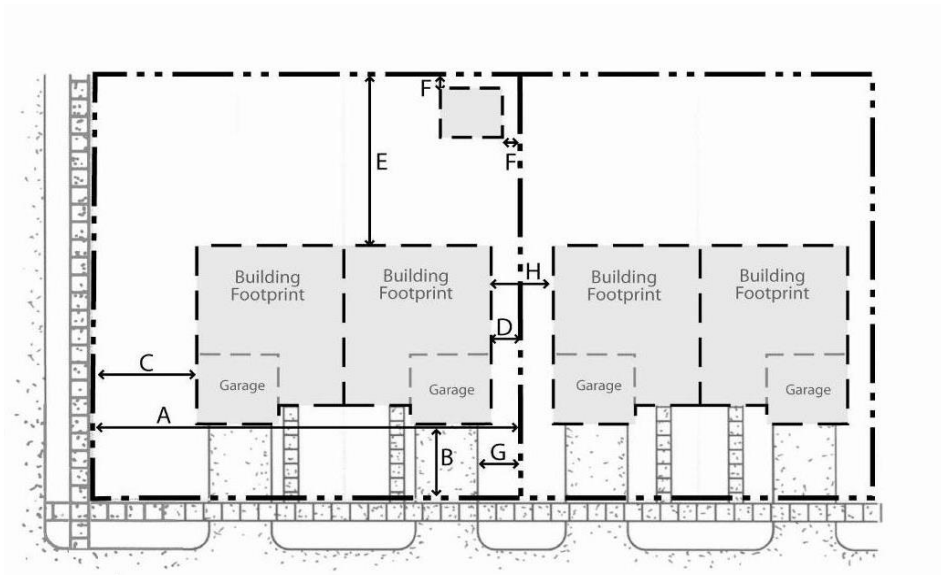
- (a) A building code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (b) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (c) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (d) This dwelling unit type may not be split into additional residences.
- (e) Minimum required parking: Two spaces per dwelling unit.

Section 10-55: Residential Land Uses

- (f) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (5) Townhouse: A Townhouse consists of attached, two-story residences, each having a private, individual access. This dwelling unit type may be located on its own lot or within a group development. Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

Regulations:

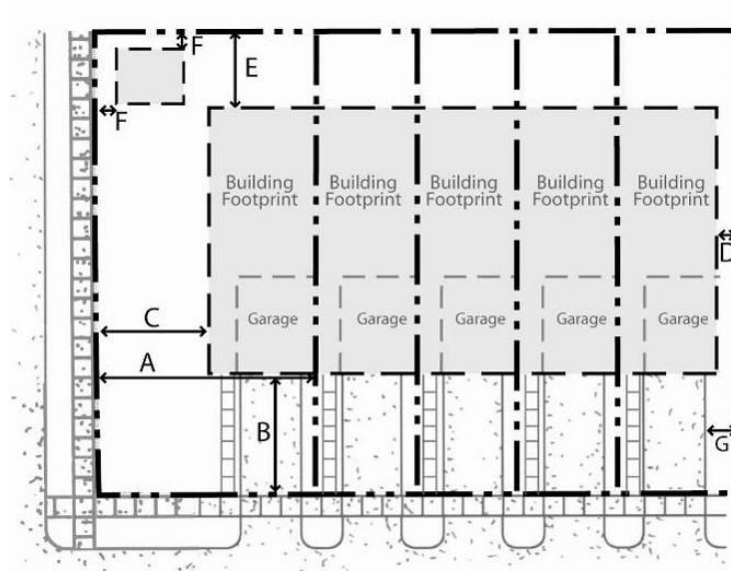
- (a) A building code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
- (b) No more than eight and no less than three Townhouse dwelling units may be attached per building.
- (c) All Townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development.
- (d) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (e) This dwelling unit type may not be split into additional residences.

Section 10-55: Residential Land Uses

- (f) Minimum required parking: Two spaces per dwelling unit.
- (g) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)



- (6) Multiplex: This dwelling unit type consists with three or more individual attached dwelling units which have private, individual exterior entrances.

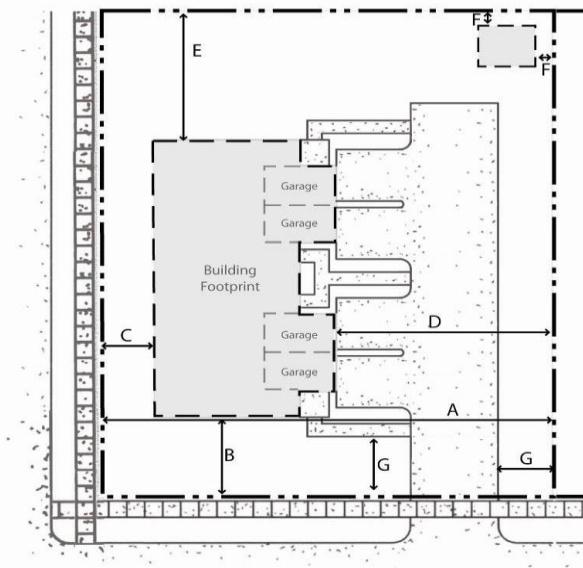
Regulations:

- (a) A building code required fire rated wall separating living areas from the lowest level through the roof is required between each dwelling unit.
- (b) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (c) This dwelling unit type may not be split into additional residences.
- (d) Minimum required parking: One space per dwelling unit.
- (e) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10-55: Residential Land Uses

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)



- (7) Apartment: This dwelling unit type consists of a single structure with three or more individual attached dwelling units which take access from a shared entrance or hallway.

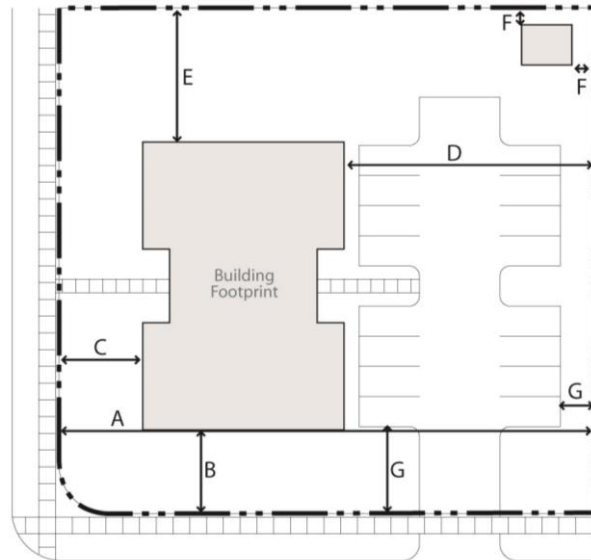
Regulations:

- (a) A building code required fire rated wall separating living areas from the lowest level to the underside of the roof is required between each dwelling unit.
- (b) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (c) As part of the conditional use requirement for group developments, any development comprised of one or more Apartment buildings which contain five or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.
- (d) This dwelling unit type may not be split into additional residences.
- (e) Minimum required parking: One space per dwelling unit.
- (f) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10-55: Residential Land Uses

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)



- (8) Mobile Home: A dwelling unit type consisting of a fully detached, single family residence, which has not received a Federal Manufactured Housing Certificate.

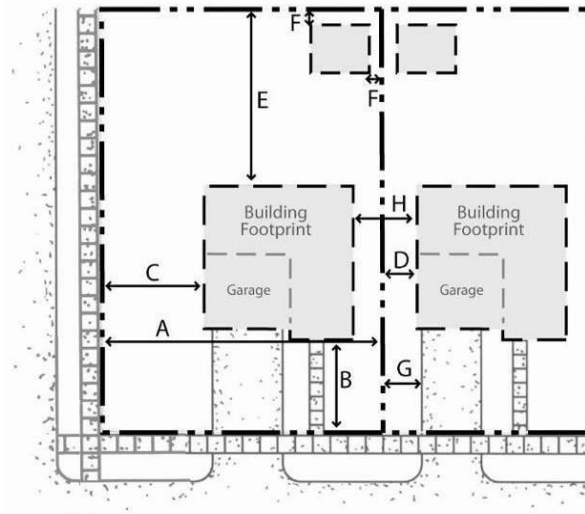
Regulations:

- (a) No Mobile Home may be split into two or more residences.
- (b) Within 30 days of occupancy, the owner shall remove the axle and install skirting.
- (c) Minimum required parking: Two spaces per Mobile Home.
- (d) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home land uses. Specific requirements for Mobile Homes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10-55: Residential Land Uses

Key to Figure

- A Minimum lot width (at building minimum setback line)
- B Street setback (lot line to principal building or attached garage):
- C Corner lot (street side) setback (lot line to principal building or attached garage)
- D Side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)



- (9) Mobile Home Subdivision: This land use is a form of residential development which is exclusively reserved for individually sold lots containing Mobile Homes. Each lot and Mobile Home must meet the requirements listed under Subsection (8), above.

Regulations:

- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (b) Access shall be taken to collector or arterial streets. No access shall be permitted to local residential streets.
- (10) Mobile Home Park: This land use is a form of residential development which is exclusively reserved for individually sold or rented air right pads containing Mobile Homes. Each Mobile Home must meet the requirements listed under Subsection (8), above.

Regulations:

- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (b) Access shall be taken to collector or arterial streets. No access shall be permitted to local residential streets.
- (11) Mixed Use Dwelling Unit: A residential dwelling within a mixed use structure (i.e. a single building containing more than one type of land use).

Regulations:

Section 10-56: Agricultural Land Uses

- (a) Evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (b) Minimum required parking: One space per residential dwelling.

Section 10-56: Agricultural Land Uses

- (1) **Cultivation:** Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site.

Regulations:

- (a) Minimum required parking: None.
- (2) **Husbandry:** All operations primarily oriented to the on-site raising and/or use of animals. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including turkeys, chickens, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). Apiaries are also considered Husbandry land use.

Regulations:

- (a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
- (b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 25 feet from any residentially zoned property.
- (c) Minimum required parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 131(5)).
- (3) **On-Site Agricultural Retail:** The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations; such activity constitutes Indoor Sales or Service (see Section 10-58(4)). Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

Regulations:

- (a) No structure or group of structures shall exceed 500 square feet in gross floor area.
- (b) No structure shall exceed 12 feet in height.
- (c) All structures shall meet all required setbacks for nonresidential land uses.
- (d) Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
- (e) Such land use shall be served by no more than one driveway.
- (f) On-Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the RH-35 district.

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- (g) Minimum required parking: One parking space shall be required for every 200 square feet of product display area. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 131(5)).
- (4) Selective Cutting: The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30 percent of the woodlands on the property (or up to 100 percent for developments approved prior to the effective date of this Chapter). Selective Cutting shall be limited to areas designated for such on recorded plats or certified survey maps. The destruction of trees beyond those designated by this section shall be considered Clear Cutting, (see (5), below).
- (5) Clear Cutting: The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30 percent of the woodlands on a property (or up to 100 percent for developments approved prior to the effective date of this Chapter).

Regulations:

- (a) Clear Cutting is permitted only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to forfeiture for such non-approved Clear Cutting activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements.
- (b) The applicant shall demonstrate that Clear Cutting will improve the level of environmental protection on the subject property.
- (c) Clear Cutting shall not be permitted within a required bufferyard or landscaped area (see Article VIII).
- (6) Intensive Agriculture: All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and certain other operations meeting this criterion.

Regulations:

- (a) Intensive Agricultural uses shall not be located in or adjacent to an existing or platted residential subdivision.
- (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
- (c) Intensive Agricultural uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.
- (d) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.

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- (e) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 131(5)).
- (7) Agricultural Service: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; grain storage and processing; agricultural chemical dealers and/or storage facilities; animal feed processing and storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 10-63(2)).

Regulations:

- (a) Agricultural Service uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
- (b) All outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines, except where adjacent to railroad tracks or railroad spurs.
- (c) If within the RH-35 district, agricultural service uses shall be located in an area which is planned to remain commercially viable for agricultural land uses.
- (d) Minimum required parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 131(5)).
- (8) Community Garden: Community Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands.

Regulations:

- (a) All garden areas and structures shall be located a minimum of 5 feet from the lot line.
- (b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
- (c) The following structures are permitted in Community Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
- (d) Signs shall be limited to identification, information, and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.
- (e) Fences shall comply with the regulations in Section 10-108.
- (f) The applicant shall demonstrate adequate off-street parking availability.
- (9) Market Garden: An area for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site permitted. Market Gardens shall adhere to the following listed regulations.

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- (a) All activity areas and structures shall be located a minimum of 5 feet from the lot line.
- (b) A site plan shall be submitted to the Zoning Administrator for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.
- (c) The following structures are permitted within Market Gardens: tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
- (d) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (e) Signs shall be limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign and shall not exceed a total aggregate area of 48 square feet.
- (f) Fences shall comply with the regulations in Section 10-108.
- (g) The applicant shall demonstrate adequate off-street parking availability.

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- (1) Indoor Institutional: Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses, jails, prisons, and similar land uses.

Regulations:

- (a) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (b) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (c) Minimum required parking: Generally, one space per three expected patrons at maximum capacity; however, the following specific requirements may apply.
 - 1. Church: One space per five seats at the maximum capacity.
 - 2. Community or recreation center: One space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - 3. Funeral home: One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.
 - 4. Library or museum: One space per 300 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - 5. Elementary and junior high: One space per two employees.
 - 6. Senior high: One space per two employees, plus 30 percent of maximum capacity.
 - 7. College or trade school: One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

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

Regulations:

- (a) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (b) Shall comply with Section 10-171, standards and procedures applicable to all conditional uses.
- (c) Minimum required parking: No parking is required; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.
- (3) Passive Outdoor Recreation: Recreational land uses located on public property which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Regulations:

- (a) Minimum required parking: One space per four expected patrons at maximum capacity for any use requiring over five spaces.
- (4) Active Outdoor Recreation: Recreational land uses located on public property (including school district property) which involves active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

Regulations:

- (a) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (b) All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- (c) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (d) Minimum required parking: Generally, one space per four expected patrons at maximum capacity for any use requiring over five spaces, however, the following specific requirements may apply.
1. Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
 2. Swimming pool: One space per 30 percent of capacity in persons.
 3. Tennis court: Two spaces per court.
- (5) Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. Essential Services include such above-surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential Services do not include larger utility facilities included under Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers. Essential services are exempt from density, intensity, and bulk regulations.

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- (6) Small Scale Public Services and Utilities: Small scale City, county, state, and federally owned facilities such as pump houses, water towers, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Large Scale Public Services and Utilities.

Regulations:

- (a) All structures shall be located a minimum of 20 feet from any residentially zoned property.
 - (b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 - (c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
 - (d) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - (e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.
- (7) Large Scale Public Services and Utilities: Large scale City, county, state, and federally owned facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under Essential Services or Small Scale Public Services and Utilities.

Regulations:

- (a) All structures shall be located a minimum of 20 feet from any residentially zoned property.
 - (b) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 - (c) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
 - (d) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - (e) Minimum required parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.
- (8) Community Living Arrangement (1-8 Residents): Facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community Living Arrangements do not include Group Daycare Centers, nursing homes, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

- (a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- (b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.

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- (c) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
 - (d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
 - (e) Minimum required parking: Off street parking shall be provided for all employees.
- (9) Community Living Arrangement (9-15 Residents): See description under Subsection (8), above.

Regulations:

- (a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
 - (b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.
 - (c) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
 - (d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
 - (e) Minimum required parking: Off street parking shall be provided for all employees.
- (10) Community Living Arrangement (16+ Residents): See description under Subsection (h), above.

Regulations:

- (a) No Community Living Arrangement shall be established within 2,000 feet of any other such facility regardless of its capacity.
- (b) The applicant shall demonstrate that the total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population.
- (c) Foster homes housing four or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
- (d) The minimum lot size for each district shall apply, except that the minimum lot area in square feet shall be increased 1,000 square feet for each additional two residents over 15.
- (e) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties unless such facility is contained in a single family dwelling.
- (f) Minimum required parking: Off street parking shall be provided for all employees.

- (11) Institutional Residential: Residential development designed to accommodate Institutional Residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements (see separate listings) under the provisions of Wisconsin Statutes 62.23.

Regulations:

- (a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
- (b) Minimum required parking: The following specific parking requirements may apply.

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1. Senior housing or retirement housing: One half space per dwelling unit.
2. Assisted living facility or limited care facility: One space per two dwelling units.
3. Monastery, convent, or dormitory: One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
4. Nursing home or hospice: One space per four patient beds, plus one space per two employees on the largest work shift, plus one space per doctor.

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

Regulations:

- (a) Minimum required parking: One space per 300 square feet of gross floor area.
- (2) Personal or Professional Service: Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services.

Regulations:

- (a) Minimum required parking: Generally, one space per 300 square feet of gross floor area.
- (3) Indoor Sales or Service: The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Includes general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, and a number of other uses meeting this definition.

Regulations:

- (a) Minimum required parking: One space per 300 square feet of gross floor area.
- (4) Outdoor Display: Land uses where sales and display merchandise or equipment is conducted outside of an enclosed building. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, and manufactured and mobile housing sales. If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered incidental to Indoor Sales or Service under Section 10-58(4).

Regulations:

- (a) The outdoor display area shall be calculated as the area which would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
- (b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
- (c) The display of items shall not be permitted in required setback areas, landscape areas, bufferyards, or protected green space areas unless located in a parking lot.
- (d) Inoperable vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

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- (e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
 - (h) Outdoor Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 - (i) Minimum required parking: One space per 300 square feet of gross floor area.
- (5) Artisan Production Shop: A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.
- (a) Minimum required parking: One space per 300 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.
- (6) Physical Activity Studio: All land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities often have operating hours which extend significantly earlier or later than most other commercial land uses, and often employ amplified music to set training tempo. Examples of such land uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools.

Regulations.

- (a) If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
 - (b) Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 10-133(5)).
 - (c) Shall comply with Section 10-171, procedures applicable to all conditional uses.
 - (d) Minimum required parking: One space per every three persons at the maximum capacity of the establishment.
- (7) Indoor Commercial Entertainment: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

Regulations.

- (a) New customer entrances shall be located as far as possible from residentially zoned property.
- (b) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

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- (c) Minimum required parking: One space per every 300 feet of gross floor area.
- (8) Outdoor Commercial Entertainment: Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include, but are not limited to outdoor eating and drinking areas, outdoor assembly areas, and outdoor swimming pools serving as accessory to a lodging facility. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see Section 10-58(23)).

Regulations:

- (a) New customer entrances shall be located as far as possible from residentially-zoned property.
- (b) Activity areas shall not be located closer than 100 feet to a residentially-zoned property.
- (c) Facility shall provide bufferyard with minimum opacity of 0.80 along all borders of the property abutting residentially-zoned property.
- (d) Outdoor Commercial Entertainment activities proposed in a public right-of-way or on City owned property must receive Common Council approval for such use, in addition to any required conditional use permit.
- (e) Minimum required parking: One space for every three persons at the maximum capacity of the establishment.
- (9) In-Vehicle Sales or Service: Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

Regulations:

- (a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (b) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- (c) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
- (d) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 25 feet per the measurement of roof height.
- (e) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
- (f) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (g) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands. Said curbs shall be a minimum of 6 inches high and shall be of a non-mountable design.

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- (h) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.
 - (i) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.
- (10) Group Daycare Center (9+ Children): Facilities where persons provide childcare services for nine or more children. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are considered an accessory use and require review as a separate land use.

Regulations:

- (a) Group Daycare Centers shall not be located within a residential building.
 - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Article VIII).
 - (c) The property owner's permission and signature is required as part of the conditional use permit application.
 - (d) Minimum required parking: One space per five students, plus one space for each employee on the largest work shift.
- (11) Commercial Animal Boarding/Daycare: Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, pet daycare, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to and do not require separate consideration.

Regulations:

- (a) Facility shall provide appropriate separation from animal containment areas to residentially zoned property.
 - (b) Each animal shall be provided with an indoor containment area.
 - (c) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
 - (d) Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
 - (e) Minimum required parking: One space per every 1,000 square feet of gross floor area.
- (12) Bed and Breakfast: Bed and Breakfasts are places of lodging that provide rooms for rent for more than 10 nights during a 12-month period, are the owner's personal residence, and are occupied by the owner at the time of rental, and where meals may be served to guests.

Regulations:

- (a) For purposes of this definition, if the owner of the Bed and Breakfast establishment is a Corporation, Limited Liability Corporation or a Partnership, at least one of the officers of the Corporation, member of the LLC or partner of the Partnership, much have the establishment as said person's personal residence and shall occupy the establishment at the time of the rental.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.

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- (c) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.
 - (d) Breakfast shall be the only meal served to overnight guests.
 - (e) Each operator shall keep a list of names of all persons staying at the Bed and Breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by City officials at any time.
 - (f) The maximum stay for any occupants of Bed and Breakfast operations shall be 14 consecutive days.
 - (g) It shall be unlawful for any persons to operate a Bed and Breakfast operation as defined and as permitted in this Chapter without first having obtained a conditional use permit (see Section 10-171).
 - (h) Minimum required parking: One space per each bedroom in addition to requirements for principal residents.
- (13) Vacation Rental Home: A dwelling unit available for overnight, weekend or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 30 consecutive days, such uses shall not be considered Vacation Rental Homes, but shall instead be considered Single Family dwellings, separately described and regulated under this Chapter. Also not included within this land use category are: Bed and Breakfast, Commercial Indoor Lodging, or Boarding House.

Regulations:

- (a) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number bedrooms in the dwelling unit.
 - (b) The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.
 - (c) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
 - (d) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (e) The availability of the Vacation Rental Home to the public shall not be advertised on site.
 - (f) Minimum required off-street parking: One space per each bedroom.
- (14) Commercial Indoor Lodging: Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered accessory uses and therefore require review as a separate land use.

Regulations:

- (a) New customer entrances shall be located as far as possible from residentially zoned property.

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- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
 - (c) Minimum required parking: One space per bedroom, plus one space for each employee on the largest work shift.
- (15) Boarding House: Boarding Houses include any residential use with shared bathroom, living, and/or kitchen facilities.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
 - (b) It shall be unlawful for any persons to operate a Boarding House as defined and as permitted in this Chapter without first having obtained a conditional use permit.
 - (c) Minimum required parking: One space per each bedroom for rent.
- (16) Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles.

Regulations:

- (a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property.
 - (b) Minimum required parking: One and one-half (1.5) spaces per campsite.
- (17) Indoor Maintenance Service: Facilities where maintenance service is provided, including repair, and operations (except loading) are located entirely within an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

- (a) Minimum required parking: One space per 300 square feet of gross floor area.
- (18) Outdoor Maintenance Service: Facilities where maintenance service is provided, including repair, and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales, Vehicle Service, or Vehicle Repair land uses.

Regulations:

- (a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.
 - (b) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
 - (c) Minimum required parking: One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.
- (19) Vehicle Sales: The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses also include an ancillary repair shop associated with the vehicle display lot and sales building.

Regulations:

- (a) The outdoor vehicle sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all vehicles displayed outdoors.
- (b) The display of vehicles shall not be permitted in protected green space areas, required landscaped areas, or required bufferyards.

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- (c) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
 - (d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
 - (e) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
 - (f) Minimum required parking: One space per 300 square feet of gross floor area.
- (20) Vehicle Service: Facilities where vehicle service is provided entirely within an enclosed building, such as an oil change shop. This shall not include Vehicle Sales or Vehicle Repair.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
 - (b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
 - (c) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be displayed.
 - (d) Minimum required parking: One space per 300 square feet of gross floor area.
- (21) Vehicle Repair: Facilities where vehicle repair is provided entirely within an enclosed building including unlicensed or inoperable vehicles used for spare parts. This shall not include Vehicle Sales or Vehicle Service.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
 - (b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
 - (c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
 - (d) Minimum required parking: One space per 300 square feet of gross floor area.
- (22) Lake-Related Recreation: Lake-related recreational facilities such as marinas and yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, liveries, and boat repair and maintenance facilities, including gasoline pumps for marine use.

Regulations:

- (a) Outdoor lighting installations shall be so located and shielded that no objectionable glare or excessive illumination is cast upon adjoining property.
- (b) A minimum of one parking space per every four expected patrons at maximum capacity shall be provided.

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- (23) Intensive Outdoor Activity: Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, water parks, fairgrounds, outdoor stadiums, go cart tracks, paint ball facilities, race tracks, ski hills, drive-in theaters, miniature golf courses, driving ranges, flea markets, bazaars, auction yards, battlefield reenactment sites, renaissance fairs, rodeo arenas, demolition derby arenas, monster truck arenas, equestrian arenas, polo fields, dog obedience and field trials, drag strips, motocross arenas, and tournament-oriented athletic facilities.

Regulations:

- (a) No Intensive Outdoor Activity shall take place after 11:00pm except by special resolution by the Common Council.
 - (b) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
 - (c) Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
 - (d) A minimum setback of 100 feet shall be required to any activity area other than parking.
 - (e) A minimum of one space per four expected patrons at maximum capacity shall be provided.
- (24) Sexually-Oriented Land Uses: Any facility oriented to the display of sexually-oriented materials such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to “sexually specified areas.” For the purpose of this Chapter, “sexually specified areas” includes any of the following: genitals, anal area, female areola or nipple. “Sexually-oriented material” includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Common Council’s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Common Council is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City’s Comprehensive Plan and protect the character and integrity of its commercial and residential neighborhoods.

Regulations:

- (a) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- (b) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
- (c) Minimum required parking: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

Section 10-59: Industrial Land Uses

Section 10-59: Industrial Land Uses

- (1) Light Industrial: Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing of clothing, furniture, cabinetry, electronic components, and mass-produced arts and crafts. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 10-58(4) are complied with.

Regulations:

- (a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
- (b) Minimum required parking: One space per each employee on the largest work shift.
- (2) Heavy Industrial: Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space abutting properties which are not zoned GI.
- (b) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.
- (c) No equipment or materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
- (d) In no instance shall a Heavy Industrial land use exceed the performance standards listed in Article VII.
- (e) Minimum required parking: One space per each employee on the largest work shift.
- (3) Production Greenhouse: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Regulations:

- (a) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

Section 10-59: Industrial Land Uses

- (b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - (d) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Display areas abutting residentially zoned property.
 - (e) Minimum required parking: One space per 300 square feet of gross floor area.
- (4) Indoor Food Production: Any business whose principal activity is the production and wholesaling of plants or plant byproducts (including fruits and vegetables) that are grown on-site within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors. Indoor Food Production also includes the farming of aquatic organisms (plants and animals) under controlled conditions, and which is located entirely within an enclosed building and utilizes recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (b) Storage and/or Outdoor Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (c) All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- (d) The storage of items shall not be permitted in any landscaping areas, bufferyard areas, or protected green space areas.
- (e) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (n), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (f) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (g) Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (h) Prior to the issuance of a conditional use permit, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Public Works Department.

Section 10-60: Storage Land Uses

- (i) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
- (j) The on-site retail sale of seafood or vegetables shall be considered indoor sales incidental to Light Industrial subject to the provisions of Section 10-65(17), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an indoor sales and service principal land use.
- (k) Site plans shall be provided which indicate the location of all outdoor activity areas.
- (l) On-site composting shall be permitted, subject to the following regulations:
 - 1. Compost areas shall be fully screened on all four sides.
 - 2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (m) No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
- (n) Minimum required parking: For indoor aquaculture, one space for each 500 square feet of principal building area. For wholesale greenhouses, one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

Section 10-60: Storage Land Uses

- (1) Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 10-65(17).

Regulations:

- (a) Minimum required parking: One space per 2,000 square feet of gross floor area.

- (2) Outdoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
- (b) The storage of items shall not be permitted in required frontage landscaping areas, bufferyard areas, or protected green space areas.

Section 10-61: Transportation Land Uses

- (c) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (g). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - (d) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
 - (f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
 - (g) Minimum required parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
- (3) **Personal Storage Facility:** Also known as “mini-warehouses,” these land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area. Such storage areas may be available on either a condominium or a rental basis.

Regulations:

- (a) Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
- (c) No electrical power shall be run to the storage facilities, except for exterior lighting.
- (d) Minimum required parking: One space for each employee on the largest work shift.

Section 10-61: Transportation Land Uses

- (4) **Transit Center:** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
 - (b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (c) Minimum required parking: As sufficient to accommodate parking needs.
- (5) **Distribution Center:** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 10-65(17).

Section 10-61: Transportation Land Uses

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
 - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - (d) Minimum required parking: One space per each employee on the largest work shift.
- (6) Freight Terminal: Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
 - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - (d) Minimum required parking: One space per each employee on the largest work shift.
- (7) Airport: Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment) within the jurisdiction of this Chapter shall occur only in conjunction with an approved Airport.

Regulations:

- (a) Airports shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.
 - (b) Minimum required parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.
- (8) Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Regulations:

- (a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include a site plan of the proposed facility and an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
- (b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.

Section 10-62: Telecommunication Land Uses

- (9) **Off-Site Parking:** Off-Site Parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed, and operable. See also Section 10-104 for additional parking regulations.

Regulations:

- (a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

Section 10-62: Telecommunication Land Uses

- (1) **Satellite Dish:** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private businesses (e.g. taverns and restaurants).

Regulations:

- (a) In all districts, any personal antenna tower attached to or immediately adjacent to a structure and less than 15 feet higher than the highest structure point of said structure may, be located on or adjacent to any principal or accessory building.
- (b) In the RH-35, SR-2, SR-4, SR-5, SR-6, TR-6, MR-10, MR-20, and MH-8 districts satellite dishes 3 feet in diameter and larger may only be located in provided rear yards or on the roof of a detached garage, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
- (c) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings, and in street, side, or rear yards; but shall not be located in front yards.
- (d) No advertising or graphic designs are permitted on satellite dishes in any zoning district.
- (e) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this chapter, the Zoning Board of Appeals may grant a variance to allow the placement of a satellite dish in any location except a front yard.
- (2) **Personal Antenna or Tower:** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure, supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

- (a) No antenna or tower not meeting the conditions of 10-62 (1)(a) shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector. The owner shall provide a drawing which shows the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna, any existing antenna, property lines and all buildings. The permit fee shall be based on the value of the proposed installation.
- (b) Antennas and towers shall be installed pursuant to the manufacturer's specifications.
- (c) In the RH-35, SR-2, SR-3, SR-4, SR-5, SR-6 districts there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.
- (d) In all districts, freestanding antennas may not be located in a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less.

Section 10-62: Telecommunication Land Uses

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- (e) Towers are restricted to 70 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.
 - (f) No part of an antenna array or tower shall extend beyond any property boundary. Buried radials shall not encroach into a utility easement. Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right of way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
 - (g) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.
- (3) Communication Antenna: Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including equipment buildings/cabinets.
- Regulations:
- (a) Applicability.
 1. Communication Antennas may be installed, erected and maintained pursuant to the provisions of this section. This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. All new antennas in the City of Shawano shall be subject to these regulations.
 2. Antennas may be considered either principal or accessory uses. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
 3. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
 4. Municipal sites. Antennas installed on a structure, water tower, building, or communication tower, including the placement of ground mounted and roof mounted equipment buildings, shall be permitted where located on property owned, leased or otherwise controlled by the City of Shawano, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna has been approved by the City, and the requirements and conditions in Section 10-62(3)(c) are met.
 - (b) General Requirements.
 1. Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §10-31 et seq., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
 2. Antennas shall not encroach into airspace prescribed by FAR part 77 and the most current "Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin."
 3. Communication Tower and Commercial Building: Antennas may be placed on commercial communication towers and commercial buildings.
 4. Height Requirements. Antenna height shall be restricted to 150 feet above grade when located on a commercial communication tower. Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.
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Section 10-62: Telecommunication Land Uses

5. Alternative Structures. Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
 6. Other Limitations. The antenna shall not adversely impact surrounding property; specifically, it shall not have aesthetic, economic, or safety impact on surrounding public or private property or interfere with transmission or reception.
 7. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
- (c) Equipment buildings. Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.
 2. Exterior storage of ground mounted equipment or materials shall not be permitted.
 3. Except when located in the LI and GI zoning district, the maximum size of a single ground mounted equipment building shall not exceed 360 square feet. Additional ground mounted equipment buildings and buildings larger than 360 square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground mounted equipment shelters per site.
 4. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.
 5. Any ground mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.
 6. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.
 7. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (d) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current "Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin."
- (4) Communication Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. Height shall be measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the structure, supports, and equipment buildings.

Regulations:

Section 10-62: Telecommunication Land Uses

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- (a) **Applicability.** This land use shall not be regulated or permitted as Essential Services, Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. This section shall apply to the following:
1. **New towers.** All new towers in the City of Shawano shall be subject to these regulations.
 2. **Preexisting towers.** Preexisting towers shall not be required to meet the requirements of this section, other than the requirements of Subsection (4)(b) of this section.
 3. **Towers may be considered either principal or accessory uses.** A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) **Compliance with Federal Regulations.** Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §10-31 et seq., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (c) **Placement Requirements.**
1. It is the intention of the City to accommodate expansion of communication technology while minimizing the number of tower sites. New towers shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
 2. No freestanding (not attached to an existing structure) monopole or tower structure shall be located closer than 100 percent of the height of the tower to any property line. This shall not apply to alternative tower structures.
 3. Towers shall be located no closer than 200 percent the height of the tower to any residential zone or any zone designated for future residential use by the Future Land Use Map in the City of Shawano Comprehensive Plan. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified in this section. This shall not apply to alternative tower structures.
 4. Tower guyed wires shall comply with requirements of the underlying zoning district in which the tower is located.
 5. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings and cannot exceed a maximum height of 30 feet above the roof of the building or the maximum height of the district where it is placed, whichever is greater.
- (d) **Equipment buildings.** Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Whenever wireless telecommunications facilities are established, all related ground mounted equipment buildings shall be considered ancillary to any existing or proposed primary use. Any impact of the equipment buildings shall be made as minimal as possible so as not to detract from the principal use of the property.
 2. Exterior storage of ground mounted equipment or materials shall not be permitted.

Section 10-62: Telecommunication Land Uses

3. Except when located in the LI and GI zoning district, the maximum size of a single ground mounted equipment building shall not exceed 360 square feet. Additional ground mounted equipment buildings and buildings larger than 360 square feet may be granted by issuance of a conditional use permit, but may not exceed a total of 1,000 square feet of ground mounted equipment shelters per site.
 4. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible.
 5. Any ground mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential uses and potentially incompatible municipal uses with a minimum of a 6 foot tall evergreen hedge or other suitable vegetation, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood. Alternative screening materials may be used in nonresidential areas.
 6. Equipment buildings needed for accessory equipment may be allowed prior to the construction of a principal building.
 7. All ground mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (e) Height Requirements. Tower height shall be restricted to 150 feet. District height restrictions shall not apply to commercial communication towers.
 - (f) Towers shall not encroach into airspace prescribed by FAR part 77 and the most current "Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin."
 - (g) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for 2 additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
 - (h) Insurance. The applicant will provide adequate liability insurance for damage antennas or towers could cause to surrounding property and execute a lease agreement which includes equitable compensation for the use of public property along with provisions and safeguards as deemed necessary by the City.
 - (i) Other Limitations. The tower shall not adversely impact surrounding property; specifically, it shall not have aesthetic, economic, or safety impact on surrounding public or private property or interfere with transmission or reception.
 - (j) Advertising. No form of advertising or identification, sign or mural is allowed on the tower other than the customary manufacturer identification plate.
 - (k) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
 - (l) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
 - (m) Abandonment.
 1. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower or

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transmitters upon written request from the Zoning Administrator within 60 days of such request.

2. If unused facilities are not removed within 60 days of such notification, the City may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.
 3. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of facility removal.
- (n) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by a conditional use permit if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by FAR part 77 and the most current "Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin."

Section 10-63: Extraction and Disposal Land Uses

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

Regulations:

- (a) The facility shall receive approval from the county prior to action by the City of Shawano.
 - (b) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
 - (c) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property other than permanent open space.
 - (d) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities).
 - (f) Minimum required parking: One space per each employee on the largest work shift.
- (2) Composting: Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Regulations:

- (a) Composting facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.
- (c) All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
- (d) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.

Section 10-63: Extraction and Disposal Land Uses

- (e) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
 - (f) Minimum required parking: One space for each employee on the largest work shift.
- (3) Recycling and Waste Disposal: Recycling facilities not involving the on-site storage of salvage materials. Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33), but not including Composting operations.

Regulations:

- (a) Recycling and Waste Disposal facilities shall comply with all county, state, and federal regulations.
 - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
 - (c) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
 - (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the petitioner (subject to approval by the City Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for Recycling and Waste Disposal facilities owned by public agencies).
 - (f) Minimum required parking: One space for each employee on the largest work shift.
- (4) Salvage or Junkyard: Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Repair.

Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and 100 feet from all lot lines.
- (c) In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
- (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
- (e) Minimum required parking: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

Section 10-64: Energy Production Land Uses and Structures

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

Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
- (b) All outdoor storage areas, shall be located a minimum of 50 feet from all roads and lot lines.
- (c) In no instance shall activity areas be located within a required bufferyard area.
- (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
- (e) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
- (f) Minimum required parking: One space for every for each employee on the largest work shift.

Section 10-64: Energy Production Land Uses and Structures

- (1) Large Wind Energy System: Wind energy systems that have a total installed nameplate capacity of more than 300 kW or that consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.
- (a) This section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wisc. Stats. 66.0403(1)(m). The purpose of this section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this Section.
 - (b) Wind energy systems are a conditional use in any district. The City will apply Wis. Stats. Section 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
 1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
 - (c) To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in Section 10-171 shall be followed.
- (2) Large Solar Energy System: A large energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is typically a principal use of the land and designed primarily to generate energy for commercial sale off-site.
- (a) Rooftop, ground-mounted, and building-mounted large solar energy systems shall comply with the height limits and minimum required yards for principal structures.
 - (b) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective.
 - (c) All electrical connections shall be located underground or within a building.

Section 10-64: Energy Production Land Uses and Structures

- (d) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
- (e) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.
- (f) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
- (g) All access doors or access ways and electrical equipment shall be lockable.
- (h) A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:
 1. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 10-174.
 2. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
 3. A standard foundation design along with specifications for the soil conditions at the site.
 4. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
 5. A description of emergency and normal shutdown procedures.
 6. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this subsection.
 7. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
 8. Evidence of compliance with Federal Aviation Administration requirements.
- (i) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
- (j) Solar energy systems are a conditional use in any district. The City will apply Wis. Stats. Section 66.0401 and Section 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
 1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.

Section 10-65: Accessory Land Uses and Structures

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- (1) Home Occupation: Economic activities performed within a single family detached residence. Examples include personal and professional services, handicrafts, and by-appointment retail. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are limited to low intensity businesses and businesses with no overlap of customer visits.

Regulations:

- (a) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (b) Home Occupations shall be carried out by members of the immediate family who reside on the premises and no more than one non-resident employee.
- (c) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or garage.
- (d) No structural alterations or construction involving features not customarily found in dwellings are allowed.
- (e) The percentage of the gross floor area of the dwelling and garage that may be devoted to the Home Occupation(s) shall not exceed 25 percent.
- (f) There shall be no exterior evidence of the Home Occupation except for the permitted nameplate sign not to exceed 2 square feet. There shall be no exterior alterations which change the character of the structure as a single family dwelling unit.
- (g) No Home Occupation shall endanger the public health and safety and shall not interfere with other parcels in the neighborhood.
- (h) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation not normally associated with a typical residential use in the zoning district.
- (i) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (j) Home Occupations shall not involve manufacturing, processing, the repair of large appliances, vehicles, or motors, the construction of equipment and machinery, or other activities that are typically only permitted in the industrial zoning districts.
- (k) Home Occupations shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises such as is typical for a residential use in the zoning district.
- (l) Items may be sold or offered for sale on the premises by appointment only and to one customer at a time
- (m) Minimum required parking: No additional parking needed beyond that required for the dwelling unit.

Section 10-65: Accessory Land Uses and Structures

- (n) Compliance Checklist: Notwithstanding the above, all who undertake allowed home occupations in residential districts shall complete and file a Compliance Checklist, in a form as approved by the Plan Commission and made available by the City Clerk, prior to commencing the home occupation. This form shall be filed with the City Clerk, who shall retain the form while the home occupation is in use. The filed Compliance Checklist shall be reviewed by the Zoning Administrator to determine compliance of the home occupation with this Chapter. Such form shall be signed by both the owner and/or occupier of the premises on which the home occupation takes place.
- (2) In-Home Daycare: Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes.
- (3) In-Family Suite: An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

- (a) In-Family Suites may not be occupied by a non-family member.
- (b) In-Family Suites should be considered and regulated as part of a single family dwelling unit.
- (c) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.
- (d) A separate walled garage area or driveway is not permitted.
- (e) A separate address for the In-Family Suite is not permitted.
- (f) A separate utility connection or meters are not permitted.
- (g) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.
- (h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as “not a separate dwelling unit or apartment,” and a signed letter from the applicant stating agreement with this condition shall be filed.
- (4) Accessory Dwelling Unit: Residential dwellings located directly above the ground floor of a building used for an office, commercial, or institutional land use, or a residential dwelling unit located on the same lot as a single family dwelling unit, either in the same building as the single family dwelling unit or in a detached building. Accessory Dwelling Units may also be permitted on the ground floor of a building used for an office, commercial, or institutional land use, but may not be within the first 24 feet of the ground floor measured from the front of the building.

Regulations:

- (a) The number of occupants of the Accessory Dwelling Unit shall not exceed one family plus one roomer or two unrelated individuals.
- (b) Additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or street side elevations.

Section 10-65: Accessory Land Uses and Structures

- (c) Accessory Dwelling Units shall adhere to the setback requirements and standards for the underlying zoning district.
- (d) Accessory Dwelling Unit entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
- (e) For Accessory Dwelling Units located on the same lot as a single family dwelling unit, the following additional regulations shall apply:
 - 1. Principal building must be owner-occupied.
 - 2. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling.
 - 3. The maximum size of an Accessory Dwelling Unit shall not exceed 75 percent of the principal dwelling's floor area, up to a maximum size of 700 square feet.
 - 4. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
 - 5. The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
 - 6. The roof pitch must match the predominant roof pitch of the principal dwelling unit or structure.
 - 7. Trim must match the trim used on the principal dwelling unit.
 - 8. Projecting eaves must match those of the principal dwelling unit or structure.
 - 9. Windows must match those in the principal dwelling unit in both proportion (relationship of width to height) and orientation (horizontal or vertical).
- (5) Farm Residence: A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 10-56.
- (6) Migrant Employee Housing: Migrant Employee Housing include any facility subject to the regulation of Wisconsin Statutes, Section 103.90(3)(a).

Regulations:

- (a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed use zoning districts.
 - (b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.
- (7) Residential Accessory Structure: Structures primarily used to shelter parked passenger vehicles (including garages and carports) or to store residential maintenance equipment of the subject property.

Regulations:

- (a) In no instance shall the combined accessory structure area exceed the ground floor area of the principal building used for residence. The measurement of the combined accessory structure area shall include the total gross floor area of all detached and attached accessory structures on the property, including attached garages, tool sheds, garden sheds and similar attached storage areas.
- (b) For single family and two family uses, the maximum gross floor area of all accessory structures on the property shall be 1,200 square feet.
- (c) For multi-family uses, the maximum gross floor area of all accessory structures on the property shall be 600 square feet per dwelling unit.

Section 10-65: Accessory Land Uses and Structures

- (d) No more than two accessory structures and no more than one detached garage shall be permitted per property, with the following exception:
 - 1. For multi-family uses with more than one principal building per property, two accessory structures and one detached garage shall be permitted by right for each principal building. Additional accessory structures may be allowed by conditional use permit.
 - (e) See Article II for accessory structure maximum heights.
 - (f) Accessory structures are permitted in the rear yard and side yard only, except as provided for Section 10-96, Water Frontage Overlay District.
- (8) Nonresidential Accessory Structure: Structures primarily used to shelter business vehicles or to store maintenance equipment of the subject property.

Regulations:

- (a) Individual detached accessory structures up to 10,000 square feet of gross floor area are permitted by right. Attached garages and similar attached accessory structures shall not count toward this total. Detached accessory structures larger than 10,000 square feet may be allowed by conditional use permit.
 - (b) In no instance shall the detached accessory structure area exceed the ground floor area of the principal building. Detached accessory structures larger than the principal structure may be allowed by conditional use permit.
 - (c) No more than three accessory structures shall be permitted per property.
 - (d) See Article II for accessory structure maximum heights.
- (9) Recreational Facility: This land use includes all active outdoor recreational facilities located on a private lot which are not otherwise described in this Article. Common examples include swing sets, tree houses, play houses, basketball courts, tennis courts, swimming pools, recreation-type equipment, and pavilions.

Regulations:

- (a) All private recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures.
 - (b) Materials and lighting at the property line shall comply with Section 10-106.
 - (c) Swimming pools shall be regulated by the performance standards provided in Section 10-109.
- (10) Landscape Feature: This land use includes features such as arbors, ponds, gazebos, pergolas, decks, patios, and other manmade lawn and landscaping elements.

Regulations:

- (a) Landscape Features shall meet the setback and maximum building heights for accessory structures in each district.
- (11) Residential Kennel: An enclosed structure designed for the keeping of dogs and/or cats or any other animal not prohibited by City ordinance that is accessory to a residential use.

Regulations:

- (a) Outdoor containments for dogs and/or cats or any other animal not prohibited by City ordinance shall be subject to the setback requirements for accessory structures for the district in which they are located.

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

Regulations:

- (a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
 - (b) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.
 - (c) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
 - (d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- (13) On-Site Parking: On-Site Parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.

Regulations:

- (a) Access and vehicular circulation shall be designed to discourage cut-through traffic.
- (14) Company Cafeteria: A food service operation which provides food only to company employees and their guests.

Regulations:

- (a) Company Cafeterias shall meet state food service requirements.
 - (b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.
- (15) Incidental Outdoor Display: The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.

Regulations:

- (a) Incidental Outdoor Display land uses shall comply with all regulations of Subsection 10-107.
 - (b) The display area shall not exceed 25 percent of gross floor area of principal building on the site.
- (16) Incidental Indoor Sales: Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Warehousing, Wholesaling, or any Light Industrial land use on the same site.

Regulations:

- (a) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
 - (b) Shall provide restroom facilities directly accessible from retail sales area.
 - (c) The retail sales area shall be physically separated by a wall from all other activity areas.
 - (d) Minimum required parking: Adequate parking, per the requirements of Section 10-58(4), shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
- (17) Incidental Light Industrial: Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

Regulations:

- (a) The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.

Section 10-65: Accessory Land Uses and Structures

- (b) Minimum required parking: Per Section 10-59(1).
- (18) Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.

Regulations:

- (a) Setbacks. A small wind energy system shall comply with the following setbacks:

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines (not including utility service lines to individual houses or outbuildings)	1.0 times the maximum blade tip height
Overhead Utility Service Lines (utility service lines to individual houses or outbuildings)	None

- (b) “Participating Residences” are defined as residences on a participating property. A “Participating Property” means any of the following:
 1. A turbine host property.
 2. Real property that is the subject of an agreement that does all of the following: provides for the payment of monetary compensation to the landowner from an wind energy system owner regardless of whether any part of a wind energy system is constructed on the property; and specifies in writing any waiver of a requirement or right under this Section and that the landowner’s acceptance of payment establishes the landowner’s property as a participating property.
- (c) Design Standards
 1. Access. No tower shall have a climbing apparatus within 12 feet of the ground. All access doors or access ways to towers and electrical equipment shall be lockable.
 2. Noise. No small wind energy system shall exceed 80 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring inhabitable building.
 3. Visual Appearance. Small wind energy systems shall be finished in a rust-resistant, nonobtrusive finish and color that is non-reflective. No small wind energy system shall be lighted unless required by the FAA. No advertising signs of any kind or nature whatsoever shall be permitted on any small wind energy system.

Section 10-65: Accessory Land Uses and Structures

4. Electrical Interconnections. The owner of a small wind energy system shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Chapter PSC 144 of the Wisconsin Administrative Code and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electric code.
 5. Shadowing/Flicker. Wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts to nonparticipating residences or occupied community buildings. The applicant has the burden of proving that this effect does not have significant impact on such uses either through siting or mitigation.
 6. Signs. All signs, both temporary and permanent, are prohibited on the wind energy system, except that the manufacturer's identification and appropriate warning signs are allowed.
 7. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
 8. Signal Interference. Efforts shall be made to site small wind energy systems to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs, both the small wind energy system owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small wind energy system shall cause permanent and material interference with television or other communication signals.
- (d) Conditional Use Permits. Wind energy systems are a conditional use in any district. The City will apply Wis. Stats. Section 66.0401 and PSC Chapter 128 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
- (e) To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in Section 10-171 shall be followed.
- (f) Conditional Use Permit Application Requirements. Conditional use applications for a small wind energy system shall include the following information:
1. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 2. Technical description of wind turbines and wind turbine sites.
 3. Timeline and process for constructing the wind energy system.
 4. Information regarding anticipated impact of the wind energy system on local infrastructure.
 5. Information regarding noise anticipated to be attributable to the wind energy system.
 6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.

Section 10-65: Accessory Land Uses and Structures

7. Information regarding the anticipated effects of the wind energy system on existing land uses on parcels adjacent to within one half mile of the wind energy system.
 8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
 9. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
 10. A list of all state and federal permits required to construct and operate the wind energy system.
 11. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 12. A copy of all emergency plans developed in collaboration with fire, police and other appropriate first responders serving the small wind energy system. An owner may file plans using confidential filing procedures as necessary.
 13. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with Subsection (g) below.
 14. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- (g) Abandonment and Decommissioning.
1. The owner of a wind energy shall decommission and remove the wind energy system when then system is at the end of its useful life. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.
 2. When decommissioning is required, the owner shall begin decommissioning with 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
 3. At such time that a wind energy system is scheduled to be abandoned or discontinued operation, the applicant will notify the Zoning Administrator by certified U.S. mail of the proposed date of abandonment or discontinuance of operation.
 4. In the event that an applicant fails to give such notice, the system shall be considered to have reached the end of its useful life if the system is out of service for a continuous period of 540 days. After the 540 days of inoperability, the Zoning Administrator may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from notice receipt date. The Zoning Administrator shall withdraw such notice if the owner provides information that demonstrates the wind energy system has not been abandoned or has not reached the end of its useful life.

Section 10-65: Accessory Land Uses and Structures

5. If the owner fails to respond to the Notice of Abandonment or if after review by the Zoning Administrator it is determined that the wind energy system has reached the end of its useful life, the owner of the wind energy system shall decommission the wind turbine, tower and related above grade structures at the owner's expense. After receipt of the Notice of Abandonment, the owner is subject to the requirements of Subsection 2. above. If the owner fails to physically remove the wind energy system after the Notice of Abandonment procedure, the City or their designee shall have the authority to enter the subject property and physically remove the wind energy system at the owner's expense.
 - a. "Decommission" shall mean the removal of all of the following: the aboveground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner; and all belowground facilities except underground collector circuit facilities and those portions of concrete structure 4 feet or more below grade.
 6. An owner shall file a notice of decommissioning completion with the City and the Public Service Commission when a wind energy system approved by the City has been decommissioned and removed. Within 360 days of receiving a notice of decommissioning, the City shall determine whether the owner has satisfied the requirements of this Subsection.
 - (h) Violation. It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in the conditional use site plan review issued pursuant to this ordinance.
 - (i) Penalties. Any person who fails to comply with any provisions of this ordinance, conditional use permit or building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by this ordinance and Section 20.04 of the City of Shawano Code of Ordinances.
 - (j) Waiver Provisions. During the conditional use process, the Common Council may waive any portion of this ordinance in such cases where, in the opinion of the Plan Commission, strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of this ordinance.
- (19) Small Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Regulations:

- (a) Solar energy systems (rooftop, building-mounted, and free standing) are permitted as conditional uses in all zoning districts as accessory structures.
- (b) Free standing solar energy systems shall comply with the requirements for accessory structures. Rooftop and building-mounted solar energy systems shall comply with the height limits and setbacks for primary structures.
- (c) See Article II for specific bulk, density, and intensity requirements for accessory structures in each district.
- (d) No person in control of property shall allow a tree or shrub to be placed or grow so as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. Central Daylight Saving Time, upon a solar collector energy system capable of generating more than 1,000,000 British thermal units per year, and which supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located. The provisions of this Subsection shall not require the removal of existing vegetation.

Section 10-66: Temporary Uses

- (e) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
- (f) Solar energy systems are a conditional use in any district. The City will apply Wis. Stats. Section 66.0401 and Section 66.0403 of the Wisconsin Administrative Code as amended, in the evaluation of such requests.
 - 1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.

Section 10-66: Temporary Uses

All of the following temporary uses shall comply with Section 10-172, standards and procedures applicable to all temporary uses, except as otherwise exempted in this Chapter.

- (1) **Temporary Farm Product Sales:** This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

- (a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (b) If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- (c) Adequate parking shall be provided.

- (2) **Temporary Outdoor Sales:** Includes the display of any items outside the confines of a building, which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, fireworks sales, and bratwurst stands.

Regulations:

- (a) The user shall provide a layout of the activities to the Zoning Administrator for approval prior to any event or sales activity.

- (3) **Temporary Outdoor Assembly:** Includes any organized outdoor assembly of more than 200 persons, such as an outdoor weddings, wedding receptions, or tent meetings.

Regulations:

- (a) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (b) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.
- (c) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.
- (d) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.

Section 10-66: Temporary Uses

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

Regulations:

- (a) Temporary Shelter Structures to be placed for extended use (i.e. beyond 7 days), shall require a conditional use permit.
 - (b) Temporary Shelter Structures in place for more than 7 consecutive days without approval of a conditional use permit and which do not meet the standards of Chapter 12 of the City of Shawano Municipal Code, including but not limited to those Temporary Shelter Structures to cover automobiles, boats, recreational vehicles, or firewood, are in violation of this Chapter and shall be subject to the provisions of Section 10-181.
 - (c) Temporary structures used for sub (1) and (2) above will not be subject to the 7-day limitation or conditional use permit requirement as long as they are not erected and in use more than 6 months in a calendar year.
- (5) Temporary Storage Container: These containers are portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

- (a) The container shall not exceed outside dimensions of sixteen 16 feet in length, 8 feet in width, and 9 feet in height.
 - (b) The container shall be permitted on the property for up to 14 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
 - (c) The container cannot encroach on the public right-of-way, neighboring property, sidewalk, or be placed in the street.
 - (d) The container must be placed on asphalt, concrete, gravel, or other hard-paved surface.
- (6) Temporary On-Site Construction Storage: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

Regulations:

- (a) The structure shall be removed within 10 days of issuance of occupancy permit.
 - (b) Projects requiring the structure to be in place for more than 365 days shall require a conditional use permit.
 - (c) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.
- (7) Temporary Contractor's Project Office. Includes any structure containing an on-site construction management office for an active construction project.

Regulations:

- (a) Structure shall not exceed 2,000 square feet in gross floor area.
- (b) The structure shall be removed within 10 days of issuance of occupancy permit.
- (c) Shall not be used for sales activity.
- (d) Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.

Sections 10-67 to 10-69: Reserved

- (8) Temporary On-Site Real Estate Sales Office. Includes any building which serves as an on-site sales office for a development project.

Regulations:

- (a) The structure shall not exceed 5,000 square feet in Gross Floor Area.
 - (b) The structure shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
 - (c) Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.
- (9) Temporary Relocatable Building: Includes any manufactured building which serves as a temporary building for less than 6 months.

Regulations:

- (a) Facilities serving for more than 12 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 10-171.
 - (b) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.
- (10) Temporary Vehicle Sales. Includes the sale of personal vehicles and equipment on trailers such as ATVs, snowmobiles, motorcycles horse trailers, campers, etc.

Regulations:

- (a) No more than one vehicle or trailer shall be for sale on any property at any given time.
 - (b) Vehicles or trailers for sale must be licensed.
 - (c) Vehicles or trailers for sale must be owned by one of the following:
 - 1. The property owner or lessee
 - 2. An employee of the property owner or lessee, only during the hours in which the employee is working.
 - (d) Vehicles or trailers for sale must be parked in a legal parking space or a residential driveway. Vehicles or trailers for sale shall not be parked on a lawn or other landscaped area.
- (11) Garage or Estate Sale (Auction). Garage or Estate Sales include the sale or offering for sale of miscellaneous used items commonly associated with residential use.

Regulations:

- (a) Permits are not required for Garage or Estate Sales.
 - (b) Sales shall occur only during daylight hours.
- (12) Farmer's Market. Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right-of-way.

Regulations:

- (a) Facility shall have vehicular access to a collector or higher classification street.
- (b) Minimum required parking: One space per vendor, plus adequate parking to accommodate customer traffic.

Sections 10-67 to 10-69: Reserved

Section 10-70: Purpose

ARTICLE IV: BULK REGULATIONS**Section 10-70: Purpose**

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the City of Shawano. The provisions of this Article interact closely with the density and intensity provisions described in Article II. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

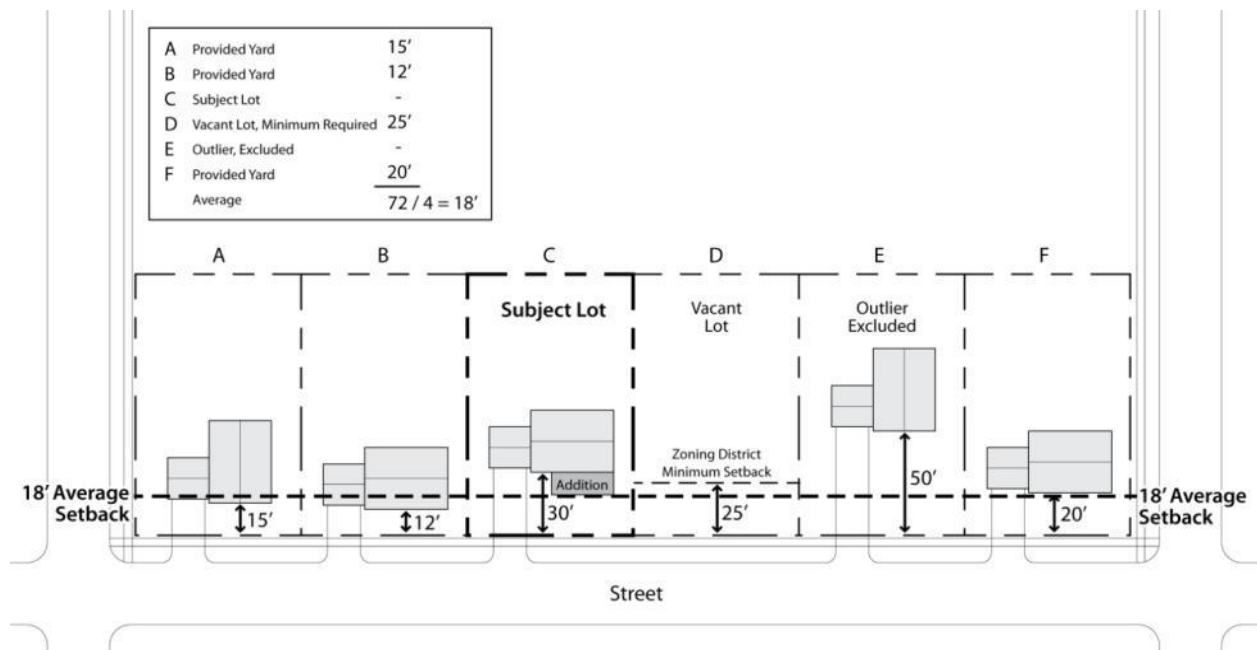
Section 10-71: Bulk Standards

All lots shall comply with the standards listed for each zoning district in Article II.

Section 10-72: Yard Setback Adjustments

- (1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) Front Yard Setback Adjustment.
 - (a) In the SR-2, SR-4, SR-5, SR-6, TR-6, MR-10, MR-20, MH-8, NMU, CMU, and UMU districts, a front yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 10-72):
 1. Only the setbacks on 5 or fewer adjoining lots, are contiguous to each other in either direction of the subject lot, and are on the same side of the street as each other may be used.
 2. Where a lot is vacant, the minimum setback of the zoning district will be applied to the vacant lot and factored into the averaging calculation.
 3. Outliers shall be excluded in calculating the mean setback as determined by the Zoning Administrator.
 4. In residential districts, the depth of the minimum front yard and street side yard on any lot shall be at least 15 feet and the minimum setback for an attached or detached garage facing the front yard, or the street side yard, shall be at least 20.
 - (b) In order to preserve and maintain the character of established neighborhoods that are typified by front yard setbacks substantially in excess of the minimum required front yard setback, blocks with an average street side (front yard) setback more than five feet over the minimum required front yard setback shall be increased to the average of the adjoining same type of principal structures on said block or street.
- (3) Side and Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

Section 10-73: Intrusions into Required Yards

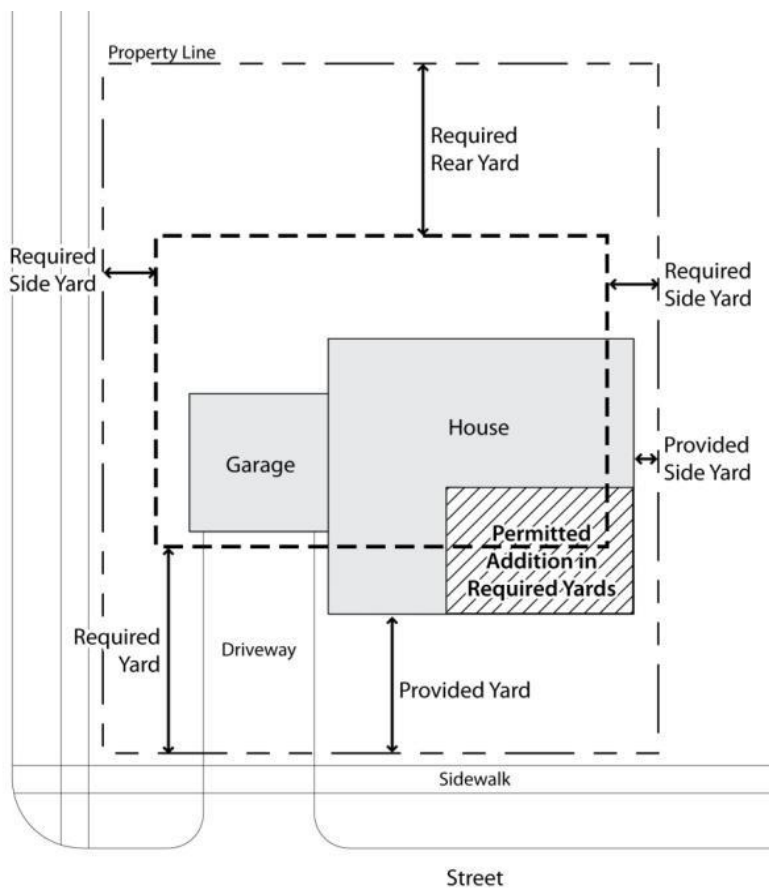
Figure 10-72: Front Yard Averaging Example**Section 10-73: Intrusions into Required Yards**

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

- (1) Permitted Intrusions Into Required Street Side Yard.
 - (a) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, bay windows, and gutters for residential buildings, provided they do not extend more than two and one-half feet into the required yard. These exceptions apply only to residential districts.
 - (b) Entry platforms, steps and canopies provided they do not extend more than five feet, provided that such stairs and landings shall not extend above the entrance floor of the building. This shall not apply to replacement of existing porches, steps, stairs, and landings used for required building exit when the size is not enlarged. These exceptions apply only to residential districts.
 - (c) Steps and stairs provided that such stairs and landings shall not extend above the entrance floor of the building and there is adequate onsite landing space for the base of the stairs.
 - (d) Handicapped accessible ramps. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in the required front, side, or rear yard setbacks provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code for accessible ramps and that no other location is feasible outside the required setbacks.
 - (e) Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 10-106 and provided they do not locate closer than five feet from the front or street property line.
 - (f) Uncovered porches, decks, or similar appurtenances to residential buildings which do not extend above the floor level of the building entrance, provided they do not extend 8 feet beyond the existing façade of the home, but shall not be nearer than 5 feet from any lot line. Such structures may not encroach into the vision triangle.

Section 10-73: Intrusions into Required Yards

- (g) Attached terraces, uncovered porches, decks, or similar appurtenances to residential buildings that do not extend more than 18 inches above grade, provided they do not locate closer than 8 feet to the rear lot line, 3 feet from the side lot line, or 5 feet from the front or street side lot line. Detached decks that do not exceed 18 inches above grade shall meet the required setbacks for a detached accessory structure.
- (h) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, decks, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever more permissive. If the addition is a garage or garage addition, the minimum setback when facing the front yard, or the street side yard, shall be at least 20 feet. In no instance shall any new encroachment be within 5 feet of an adjacent structure or 3 feet of a property line unless approved by the Building Inspector to have adequate fire protection. See Figure 10-73.
- (i) Fences meeting the requirements of Section 10-108.
- (j) Fire escapes required by the Building Inspector which do not extend more than 4 feet into the required yard.
- (k) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).

Figure 10-73: Permitted Addition in Required Yards

- (2) Permitted Intrusions Into Required Side Yards.
 - (a) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.

Section 10-74: Exceptions to Maximum Height Regulations

- (b) Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 10-108.
- (c) Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.
- (3) Permitted Intrusions Into Required Rear Yards. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than 20 feet to the rear lot line.
- (4) All Street Side or Front Yard Setback Areas. With the exception of fences, no accessory structures shall be permitted within any portion of a street yard or front yard, except where there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

Section 10-74: Exceptions to Maximum Height Regulations

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

- (1) The following are permitted to exceed the maximum height regulations within any district where permitted: church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; public monuments; water towers; fire and hose towers; mixing facilities for grain, feed, concrete, asphalt, and gravel, including storage facilities, elevators, and conveyors; flag poles; chimneys, ventilators, skylights, similar features, and necessary mechanical appurtenances usually carried above roof level. The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code, except as prohibited by the Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin.
- (2) The Plan Commission may grant exceptions to the height limitations for any building or structure not otherwise accounted for by (1) above or may set the maximum height of a structure on an individual lot as a conditional use and may set special requirements as part of the approval under the terms and conditions of this chapter.

Sections 10-75 to 10-79: Reserved

Section 10-80: Purpose

ARTICLE V: NONCONFORMING SITUATIONS**Section 10-80: Purpose**

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

Section 10-81: Nonconforming Uses

- (1) The following section shall apply to all uses except in the following circumstances:
 - (a) The use did not legally exist at the time of adoption.
 - (b) The use is subject to legal proceedings.
 - (c) The use is subject to a court order to the contrary of this section.
- (2) Continuation of a Nonconforming Use.
 - (a) Any nonconforming use lawfully existing upon the effective date of this Chapter, or any amendment to it, may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
 - (b) A use now regulated as a conditional use which was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this Chapter, shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration as a conditional use under Section 10-171.
 - (c) Any prior legal use made nonconforming by this Chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reconstructed, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 10-171.
- (3) Modification of a Nonconforming Use.
 - (a) Except as permitted in Subsection (b), below, or Subsection (2)(c), above, a nonconforming use shall not be expanded, enlarged, extended, or reconstructed, unless the use is changed to a use permitted in the district in which the use is located.
 - (b) Substitution of new equipment shall be permitted.
- (4) Discontinuance of a Nonconforming Use. When any nonconforming use of any land, building, or structure is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said land, building, or structure shall be in complete conformity with the provisions of this Chapter.
- (5) Maintenance and Repair of a Nonconforming Use.
 - (a) The ordinary maintenance and repair of a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter.
 - (b) Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50 percent of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

Section 10-82: Nonconforming and Substandard Lots

Section 10-82: Nonconforming and Substandard Lots

- (1) The following section shall apply to all lots in the City except in the following circumstances:
 - (a) The lot did not legally exist as of the effective date of this Chapter.
 - (b) The lot is subject to legal proceedings.
 - (c) The lot is subject to a court order to the contrary of this Section.
- (2) Blanket Conforming Status.
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
 - (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district.
- (3) A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized for new or modified development, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.
- (4) Abutting vacant substandard lots under the same ownership must be combined prior to development.
- (5) Except for outlots that received variances prior to the effective date of this Chapter, this section shall not apply to outlots without access to a public right-of-way that existed prior to the effective date of this Chapter since they are not intended for development.

Section 10-83: Nonconforming Structures

- (1) The following section shall apply to all structures in the City except in the following circumstances:
 - (a) The structure did not legally exist as of the effective date of this Chapter.
 - (b) The structure is subject to legal proceedings.
 - (c) The structure is subject to a court order to the contrary of this Section.
 - (d) Federal, State and City floodplain, wetland and shoreland-wetland regulations shall control in case of a conflict.
- (2) Blanket Conforming Status.
 - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter. After said date, structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 10-176.
 - (b) This Subsection is intended to eliminate the continued classification and/or the creation of structures as nonconforming subject to the requirements of this Chapter. This provision addresses 2 different situations.
 1. Any structure erected prior to the adoption of zoning that does not meet some or all of the bulk or intensity requirements of this Chapter.
 2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.

Section 10-83: Nonconforming Structures

- (c) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (3) The following shall apply to all structures that do not meet bulk and other requirements of this Chapter.
- (a) **Ordinary Maintenance.** Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, roof surfacing, and other non-structural components.
- (b) **Structural Repairs, Structural Alterations and Minor Changes.** Any and all structural repairs, structural alterations, and minor changes, may be made so long as no such changes expand upon an existing bulk, density or intensity violation. A conforming garage may be added or expanded.
- (c) **Additions.** Additions, expansions, and enlargements may be added. However, such additions must meet the requirements of this Chapter unless a conditional use permit is granted under Section 10-171.
- (d) **Destruction and Reconstruction.**
1. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either 1. or 2., below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
 - a. The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. 62.23(7) on or after March 2, 2006.
 - b. The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.
- (e) **Intentional Removal and Replacement.**
1. If 50 percent or more of the total floor area of a structure is intentionally removed by the property owner, the replacement structure must meet the requirements of this Chapter unless a variance is granted under Section 10-176.
 2. If less than 50 percent of the total floor area of a structure is intentionally removed by the property owner, it may be restored to the previous footprint, floor area and height.
 3. Existing garages, decks, and porches may be replaced in their entirety to the previous footprint, floor area and height.
- (f) **Unsafe Structures.** Nothing in this Chapter shall preclude the building inspector or any other City official from initiating remedial or enforcement actions when any structure is declared unsafe or presents a danger the public health, safety, or welfare.

Section 10-84: Nonconforming Sites

- (4) **Timing of Building Permit.** Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter, or an amendment to it, which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit for single and two family construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days (2 years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal conforming structure.

Section 10-84: Nonconforming Sites

- (1) **Blanket Conforming Status.**
- (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter.
- (b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (c) 1-8, below; will not be allowed to occur without bringing such additional site development into full compliance with the provisions of this Chapter, or to the extent practical without removal of lawful structures..
- (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter. These building and site design components may include one or more of the following:
1. Bulk, intensity, and density requirements.
 2. Exterior building materials requirements.
 3. Exterior building design requirements.
 4. Parking, loading, access drive and other paved area design requirements.
 5. Landscaping requirements.
 6. Bufferyard requirements.
 7. Fencing requirements.
 8. Lighting requirements.
- (d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- (2) All new buildings, structures, and parking areas, including additions, shall comply with all site design requirements of this Chapter, including the components of (c) 1.-8., above, for the new portion of the development.
- (3) On lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, no enlargement, expansion, or extension of a use, structure, or paving shall be permitted if it makes compliance with the site design requirements of this Chapter, including (c) 1.-8., above, impossible, even if said enlargement, expansion, or extension of the use, structure, or paving would otherwise be permissible.
- (4) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance specifically to improve public safety and/or reduce public nuisances.

 Sections 10-85 to 10-89: Reserved

- (5) Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 10-176.

Sections 10-85 to 10-89: Reserved
ARTICLE VI: OVERLAY ZONING DISTRICTS
Section 10-90: Purpose

The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article II of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory protections against natural hazards, mandatory protections of valued natural resources, special design guidelines, and measures to ensure compatibility with airport flight operations. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

Section 10-91: How to Use This Article

A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district (see Article II). For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the mandatory development regulations.

Section 10-92: Overlay Zoning Districts

For the purpose of this Chapter, the following overlay zoning districts are hereby established.

AP-O	Airport Overlay
GWP-O	Groundwater Protection Overlay
WF-O	Water Frontage Overlay
WP-O	Woodlands Protection Overlay

Section 10-93: Map of Overlay Zoning Districts

Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Zoning Map, adopted and from time to time amended by the City of Shawano.

Section 10-94: (AP-O) Airport Overlay District

- (1) Intent. The intent of this overlay district is to regulate and restrict the height of structures and objects of natural growth in the vicinity of the Shawano Municipal Airport, to promote public safety, welfare and convenience, to increase safety in airport operations, to protect persons and property within the area, and protect the municipal investment in the airport facilities.
- (2) Applicability. This district overlays other districts, and its regulations further restrict provisions of the underlying district.

Section 10-95: (GWP-O) Groundwater Protection Overlay District

- (3) Permitted principal, accessory or special exception uses and structures. Same as for the underlying district except that no use shall create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, takeoff or maneuvering of aircraft.
- (4) Dimensional requirements. Same as for the underlying district, except that no structure shall be constructed, altered or located, or permitted to remain after such construction, alteration or location, and that no trees shall be allowed to grow to a height in excess of the height limit indicated on the 2010 Wisconsin Bureau of Aeronautics Official "Height Limitation Zoning Map, Shawano Municipal Airport, Shawano, Wisconsin," which is adopted as part of this Chapter.

Section 10-95: (GWP-O) Groundwater Protection Overlay District

- (1) Intent. The City of Shawano recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Groundwater Protection Overlay District is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the City of Shawano's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.
- (2) Overlay Zones. The Groundwater Protection Overlay District is hereby divided into Zone A and Zone B as follows:
 - (a) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B. Zone A is within 1,000 feet of any well.
 - (b) Zone B is identified as a secondary source of water for the municipal well aquifer and as the area where there is a lower probability of surface contamination reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (3) Map. The locations and boundaries are established by this Section as set forth on the Official Zoning Map, which is incorporated herein and hereby made a part of this Chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein.
- (4) Zone A Prohibited Uses. The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Groundwater Protection Overlay District:
 - (a) Areas for dumping or disposal of garbage, refuse or demolition material.
 - (b) Asphalt products manufacturing plants.
 - (c) Automotive laundries.
 - (d) Automotive service stations.
 - (e) Building materials and products sales.
 - (f) Cartage and express facilities.
 - (g) Cemeteries.
 - (h) Chemical storage, sale, processing or manufacturing plants.
 - (i) Dry-cleaning establishments.
 - (j) Electronic circuit assembly plants.
 - (k) Electroplating plants.
 - (l) Exterminating shops.

Section 10-95: (GWP-O) Groundwater Protection Overlay District

- (m) Fertilizer manufacturing or storage plants.
 - (n) Foundries and forge plants.
 - (o) Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 - (p) Highway salt storage areas.
 - (q) Industrial liquid waste storage areas.
 - (r) Junkyards and auto graveyards.
 - (s) Metal reduction and refinement plants.
 - (t) Mining operations.
 - (u) Motor and machinery service and assembly shops.
 - (v) Motor freight terminals.
 - (w) Paint products manufacturing.
 - (x) Petroleum products storage or processing.
 - (y) Photography studios, including the developing of film and pictures.
 - (z) Plastics manufacturing.
 - (aa) Printing and publishing establishments.
 - (bb) Pulp and paper manufacturing.
 - (cc) Residential dwelling units on lots less than 15,000 square feet in area. However, in any residential district, on a lot of record on the effective date of this Chapter, a single family dwelling may be established regardless of the size of the lot, provided that all other requirements of the City of Shawano Zoning Ordinance are complied with.
 - (dd) Septage disposal sites.
 - (ee) Sludge disposal sites.
 - (ff) Storage, manufacturing or disposal of toxic or hazardous materials.
 - (gg) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
 - (hh) Woodworking and wood products manufacturing.
- (5) Zone A Conditional Uses. The following conditional uses may be allowed in the Groundwater Protection Overlay District, subject to the provisions of the City of Shawano Zoning Ordinance:
- (a) Any other commercial use (Section 10-58) or industrial use (Section 10-59) not listed as prohibited use.
 - (b) Animal waste storage areas and facilities.
 - (c) Center-pivot or other large scale irrigated agriculture operations.
- (6) Zone B Prohibited Uses. The following principal or accessory uses are hereby prohibited within Zone B of the Groundwater Protection Overlay District:
- (a) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (7) Zone B Conditional Uses. The following conditional uses may be allowed in the Groundwater Protection Overlay District, subject to the provisions of the City of Shawano Zoning Ordinance:
- (a) Any other commercial use (Section 10-58) or industrial use (Section 10-59) not listed as prohibited use.
- (8) Exemptions and Waivers.
- (a) Exemption and conditions for existing facilities which may cause or threaten to cause environmental pollution.
 1. Facilities shall provide copies of all federal, state, and local facility operation approvals or certificates and ongoing environmental monitoring results to the Department of Public Works.

Section 10-96: (WF-O) Water Frontage Overlay District

2. Facilities shall provide additional environmental or safety monitoring as deemed necessary by the Department of Public Works.
 3. Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (b) Exemptions for future non-permitted uses.
1. Individuals may request the Department of Public Works, in writing, to permit additional land uses in the City of Shawano Groundwater Protection Overlay District.
 2. All written requests to permit additional land uses in the City of Shawano Groundwater Protection Overlay District must include an environmental assessment report prepared by a licensed environmental engineer on the proposed land use and include payment for the Department of Public Works' review.
 3. Any exemptions granted will be made conditional and may include environmental and safety monitoring. The exemption will be made void if environmental and safety monitoring indicate the facility is emitting any releases of harmful contaminants to the surrounding environment. The facility will stop operation until cleanup occurs and another environmental assessment is submitted to the Department of Public Works with payment for review. The facility will be held financially responsible for all environmental cleanup costs. The City of Shawano may condition a bond to be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.
 4. Exempted facilities must also provide the Department of Public Works with the items contained in Subsection (8)(a) of this Section.

Section 10-96: (WF-O) Water Frontage Overlay District

- (1) Intent. The intent of this overlay district is to protect any navigable water from the harmful effects of abutting development.
- (2) Applicability. This district overlays other districts and includes all land 75 feet inward from the ordinary high watermark. Its regulations further restrict provisions of the underlying district.
- (3) Permitted principal uses and structures. None.
- (4) Permitted accessory uses and structures. All accessory structures shall comply with the required setbacks and maximum building heights for accessory structures in Article II, except as otherwise provided for below.
 - (a) Piers, wharves, and boathouses. All piers and wharves shall be so constructed as to comply with Wis. Stats. 30.13, as it may from time to time be amended. Piers and wharves shall be exempt from the required setbacks for accessory structures in Article II. Boathouses shall not extend beyond the natural shoreline.
 - (b) Patios, decks three feet in height or less, open gazebos, open arbors, or similar structures which do not have walls higher than three feet.
 - (c) Small storage sheds for water-oriented equipment, including carry-in watercraft such as a kayak or canoe, oars, life preservers, seat cushions, fishing equipment, and electric trolling motors. Sheds shall not exceed a length of 24 feet, a width of 8 feet, a gross floor area of 200 square feet, or a height of 15 feet.
- (5) Permitted paving. Gravel, asphalt, or concrete paths up to five feet wide running directly from the developed portion of the lot to the ordinary high watermark.

Section 10-97: (WP-O) Woodlands Protection Overlay Zoning District

- (6) Dimensional requirements. Same as for the underlying district except for the following:
 - (a) All land 35 feet inland from the ordinary high watermark shall not exceed an impervious surface ratio of 50 percent per lot.
 - (b) No more than 50 percent of the lot width as measured at the ordinary high watermark shall be occupied by elevated structures such as decks, gazebos, arbors, sheds, or similar structures.

Section 10-97: (WP-O) Woodlands Protection Overlay Zoning District

- (1) Purpose. This district is intended to set forth special requirements for the protection of woodlands from the adverse effects of development. Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing airborne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rate (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities, which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (2) Definition. Woodlands are defined as areas of trees in which combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on air photos for the City of Shawano and its environs.
- (3) Determination of Boundaries. General woodland boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property containing a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 10-174. This analysis shall depict the location of all woodland areas on the subject property as described in Subsection (2) above.
- (4) Requirements. Woodlands shall remain in an undisturbed state except for the land uses permitted per the requirements of Subsections (5) and (6), below.
- (5) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (a) Selective Cutting
 - (b) Outdoor Open Space Institutional
 - (c) Passive Outdoor Recreation
 - (d) Active Outdoor Recreation
- (6) Principal Use Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements.
 - (a) Clear Cutting
- (7) Where woodlands have been clear cut without a conditional use permit or clear cut beyond the limits of an approved conditional use permit, the area that was clear cut shall be reforested per the following requirements:
 - (a) Each area required to be reforested shall be reforested and maintained in a manner appropriate to site conditions.
 - (b) A detailed reforestation plan shall be submitted by the property owner and approved by the City. This plan shall be reviewed by a reforestation consultant approved by the City and said consulting services shall be funded at the expense of the property owner.

Sections 10-98 to 10-99: Reserved

Section 10-100: Purpose

ARTICLE VII: PERFORMANCE STANDARDS**Section 10-100: Purpose**

The purpose of this Article is to indicate the standards and minimum requirements for exterior site and building design, access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, swimming pools, vibration, noise, air pollution, odor, signal receiving antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, exterior construction material, hazardous materials, group and large developments, and outdoor wood burning furnaces within the jurisdiction of this Chapter. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

Section 10-101: Exterior Site and Building Design Standards

- (1) Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the City so as to attain a degree of uniformity in exterior appearance and quality of materials, and thus maintain and enhance the attractiveness and values of property in the community.
- (2) Applicability. The requirements of this Section apply to all structures and buildings within the City. Beyond the general rules in Subsections (c) through (j), below, additional rules apply to group and large developments, which are provided in Section 10-118.
- (3) Review and Approval. Through the site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.
- (4) Site Design. In addition to complying with required setbacks, no building, structures, pavement, or improvement shall be placed or oriented in a manner that would unnecessarily reduce the appearance of the subject property in comparison to typical development practices that are fully consistent with the requirements of this Chapter, or would have a substantial negative impact on the value or enjoyment of permitted land uses on nearby properties.
- (5) Avoidance of Exteriors Specific to a Particular Occupant. Trademark architectural elements are prohibited. Specifically, no building, other structures, pavement or improvement shall have an integral exterior design which is specific to a particular site occupant, including exterior building forms, materials, textures, colors, and patterns. Exterior elements which are specific to a particular site occupant shall be limited to attached signage, awnings and other appurtenances which are easy to remove or modify for subsequent site occupants without causing significant damage and/or restoration expenses.
- (6) Exterior Design Compatibility and Avoidance of Monotony. No building, other structures, pavement or improvement shall have an exterior design which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste. In addition, no building shall be permitted within any residential or mixed use district to have an exterior appearance which is too similar to nearby buildings so as to create unacceptable monotony.

Section 10-101: Exterior Site and Building Design Standards

- (7) Requirements for Exterior Materials. The following requirements shall apply regarding exterior materials for buildings and structures:
- (a) Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted, and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) may be used, as determined appropriate by the Plan Commission. EIFS and other readily damaged or dented materials shall not be used on portions of the building within one foot of ground level. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
 - (b) Prohibited Materials. No building or structure shall be constructed or faced with any material or texture which is aesthetically incompatible with other building exteriors in the area which are fully consistent with the requirements of this Chapter, or which presents an unattractive appearance to the public or surrounding properties. The following materials are prohibited on the exterior of all buildings and structures:
 - 1. Plain faced concrete walls or panels.
 - 2. Plain faced cinder block or concrete block.
 - 3. Asphaltic siding.
 - 4. Plywood, chipboard, or other non-decorative wood or composite material as determined by the Plan Commission.
 - 5. Metal siding which does not meet any one or more of the following exceptions:
 - a. Is determined by the Plan Commission to be a decorative element of the building or structure that can be readily removed or replaced with a permitted exterior material.
 - b. Uses a method of exterior wall fastening which is fully concealed from view by means of an interlocking panel, panel overlap, or other method approved by the Plan Commission which results in full concealment.
 - c. Uses visible exterior fasteners which are the same color as the attached wall for any principal or accessory structure within the BP, RH-35, LI, GI, and ME zoning districts, in any location on the building or structure which meets all of the following criteria:
 - i. Is located more than 100 feet from any portion of a residential zoning district boundary and more than 100 feet from any portion of a public right-of-way.
 - ii. Is located more than 100 feet from any visitor or customer door.
 - iii. Transitions to any other exterior material, texture, color, or pattern at a building corner, pier, pilaster, eave, parapet, or other physical change in the wall plane, so as to complement the overall exterior design of the building or structure as determined by the Plan Commission.
 - iv. If adding on to primary structure or adding an accessory building and the existing structures already have exposed fasteners the same color as siding.
 - 6. Fiberglass or poly-roofing or siding.
 - 7. Other materials as determined by the Plan Commission
- (8) Waste Receptacles. The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this Article.

Section 10-102: Access Standards

- (9) **Pedestrian and Bicycle Access.** The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.

Section 10-102: Access Standards

- (1) **Purpose.** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (2) **Applicability.** The requirements of this Section shall apply to each access point onto a public street or right-of-way in all new developments.
- (3) **Review and Approval.** Through the site plan review process (see Section 10-174), the Plan Commission shall review and approve all proposed access drives on the subject property.
- (4) **Number of Access Points.**
- (a) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Director of Public Works.
 - (b) No lot shall be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (c) On arterial streets, and in areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
 - (d) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- (5) **Residential Uses.** Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (6) **Nonresidential Uses.** Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- (7) **Access Near Street Intersections.** At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits. Nonconforming driveways may be replaced in their current location, except as part of site-plan review and approval.
- (8) **Distance Between Access Drives.** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of 25 feet may be required if existing or projected traffic warrant a greater distance.
- (9) **Angle of Intersection with Public Right-of-Way.** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (10) **Distance from Property Line.** The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.

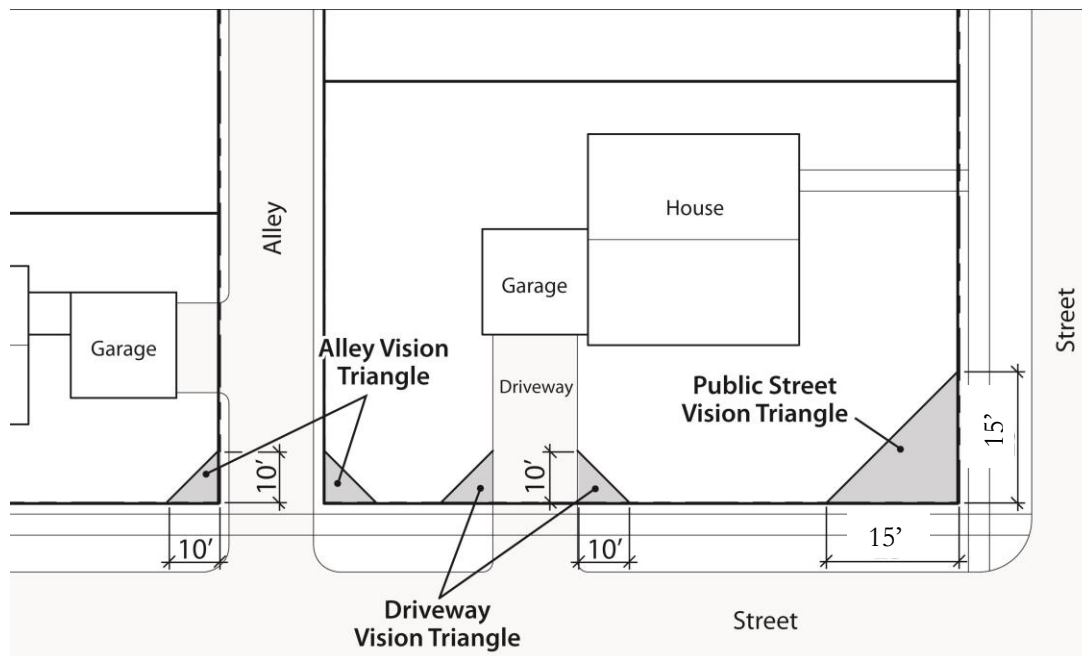
Section 10-103: Visibility Standards

- (11) **Width of Driveways.** All access drives shall have a minimum width of 10 feet for single and two family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 30 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet. This requirement may be exceeded with explicit Plan Commission approval for uses other than single family.
- (12) **Traffic Control.** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.
- (13) **Depiction on Required Site Plan.** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- (14) **Paving of Access.** All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Zoning Administrator with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator.
 - (a) Gravel driveways and other nonconforming driveways shall be brought into full compliance with the provisions of this Chapter when they are enlarged, expanded, or extended. Refer to Section 10-84(1)(b).
 - (b) When additional development occurs on non-conforming sites, all existing and additional driveway and access approaches and parking areas shall be paved from the existing street pavement surface to the right-of-way line and up to 100 feet onto the property or to the furthers extent of the additional development, whichever is less.

Section 10-103: Visibility Standards

- (1) **Purpose.** The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **Applicability.** The requirements of this Section shall apply to all new development.
- (3) **Review and Approval.** Through the site plan review process (see Section 10-174), the Plan Commission shall review and approve all developments for conformance with this Section.
- (4) **Vision Triangle at Public Streets.** A vision triangle extending 15 feet from all public street right-of-way intersections shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of three feet and eight feet. Development in the DMU and UMU districts shall be exempt from this requirement.
- (5) **Vision Triangle at Alleys and Driveways.** A vision triangle extending ten feet from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of three feet and eight feet. Development in the DMU and UMU districts shall be exempt from this requirement.

Section 10-104: Off-Street Parking and Traffic Circulation

Figure 10-103: Visibility Standards**Section 10-104: Off-Street Parking and Traffic Circulation**

- (1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- (2) Applicability. The requirements of this Section shall apply to all new development.
- (3) Review and Approval. Through the site plan review process (see Section 10-174), the Zoning Administrator shall review and approve all development for conformance with this Section.
- (4) Depiction on Required Site Plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (f)(4), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said site plan.
- (5) Minimum Required Off-Street Parking Spaces. Off-street parking requirements for each land use (see Article III) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Where said parking needs of any land use exceed the

Section 10-104: Off-Street Parking and Traffic Circulation

minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

- (6) Off-Street Parking and Traffic Circulation Standards.
- (a) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
 - (b) Surfacing and Marking. All off-street parking and traffic circulation areas (including all residential driveways except those in the RH-35 district) shall be paved with a hard, all-weather or other surface that advances the goals of the Comprehensive Plan or other adopted plan, policy, or regulation of the City to the satisfaction of the Director of Public Works. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
 - (c) Access. With the exception of single family and two-family dwellings, each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 80 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses (see Figure 10-104a). Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
 - (d) Snow Storage. Required off-street parking and traffic circulation areas shall not be used for snow storage.
 - (e) Lighting. All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 foot-candles is recommended for said areas, and said illumination level shall not exceed the standards of Section 10-106.
 - (f) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article IX.
 - (g) Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article VIII.
 - (h) Handicapped Parking Spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
 - (i) Parking Space Design Standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 10-104a). The minimum required length of parking spaces shall be 16 feet. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

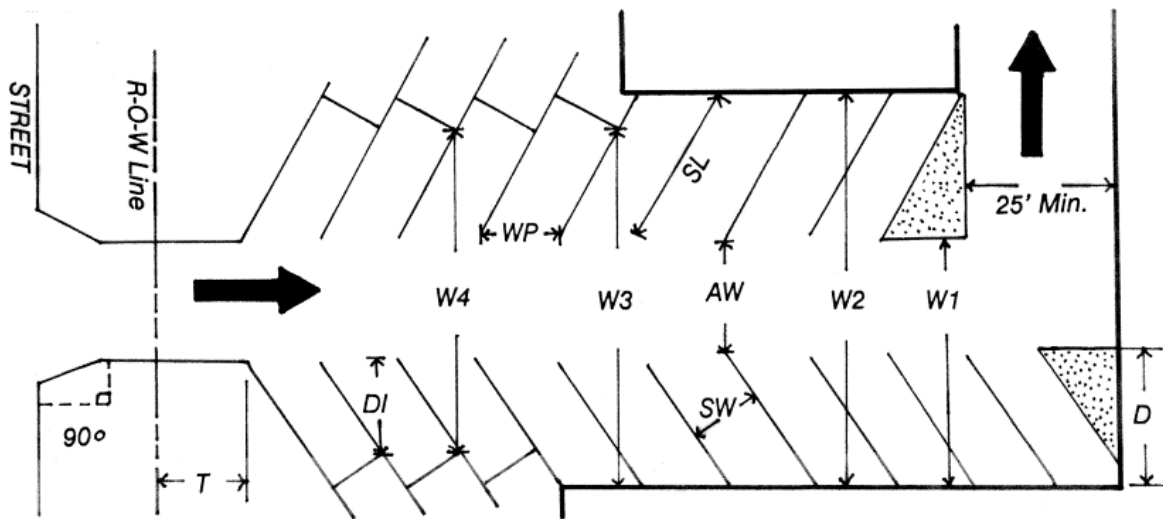
Section 10-104: Off-Street Parking and Traffic Circulation

Figure 10-104a: Parking Layout Dimensions

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	18'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D) ¹	9.0'	17.5'	19.0'	19.5'	18.5'
Stall Depth to Interlock (DI)	N/A	15.3'	17.5'	18.8'	N/A
Stall Length (SL)	18.0'	25.0'	22.0'	20.0'	18.5'
Aisle Width for One-Way Traffic (AW)	12.0'	12.0'	16.0'	23.0'	26.0'
Throat Length (right-of-way to parking angle) (T)	Refer to requirements in Figure 10-124b				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded) (W3)	N/A	44.8'	52.5'	61.3'	N/A
Interlock to Interlock (Double-Loaded) (W4)	N/A	42.6'	51.0'	61.0'	N/A

Notes:

¹Parking spaces located behind an enclosed garage and located directly off a thorough aisle shall be at least 30 feet deep.



Section 10-104: Off-Street Parking and Traffic Circulation

- (j) Minimum Permitted Throat Length. Figure 10-104b shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.

Figure 10-104b: Permitted Throat Length

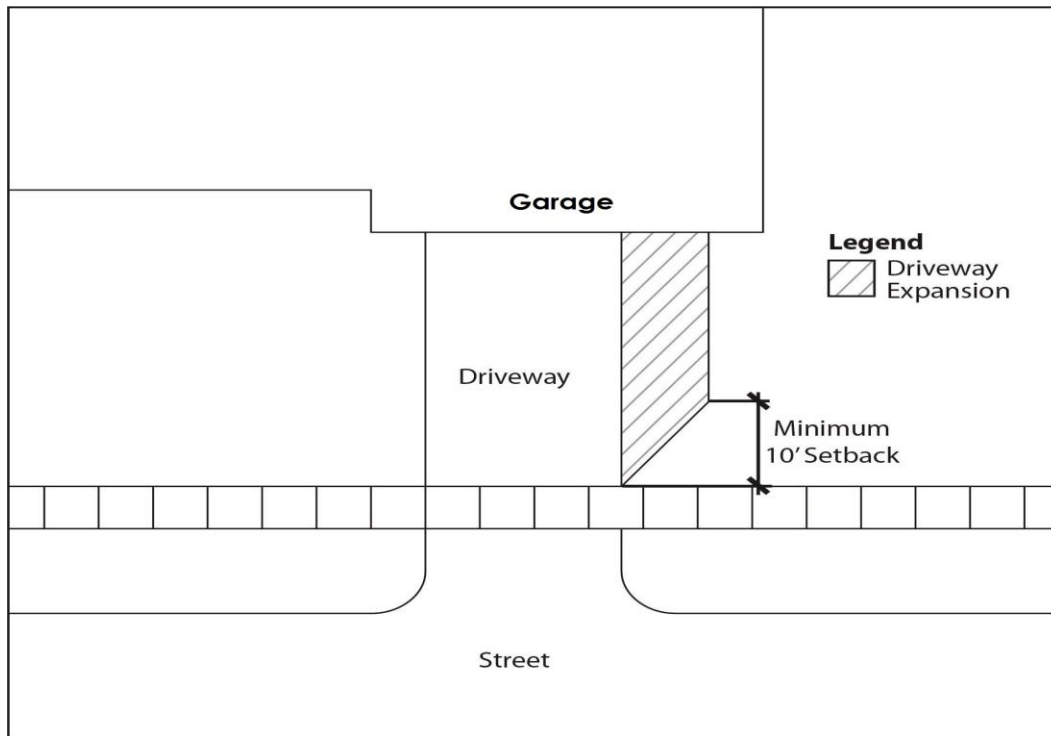
Land Use	Type	Scale of Development	Minimum Throat Length		
			Type of Access Street		
			Collector	Arterial	
Residential	Any Residential	0-100 dwelling units	25 feet	N/A	
		101-200 dwelling units	50 feet	75 feet	
		201+ dwelling units	75 feet	125 feet	
Commercial	Office	0-50,000 gross sq. ft.	25 feet	50 feet	
		50,001-100,000 gross sq. ft.	25 feet	75 feet	
		100,001-200,000 gross sq. ft.	50 feet	100 feet	
		200,001+ gross sq. ft.	100 feet	150 feet	
		In-Vehicle Sales or Service	0-2,000 gross sq. ft.	25 feet	75 feet
	2,001+ gross sq. ft.		50 feet	100 feet	
	Commercial Lodging	Indoor	0-150 rooms	25 feet	75 feet
			151+ rooms	25 feet	100 feet
			Other Commercial Uses	0-25,000 gross sq. ft.	25 feet
	25,001-100,000 gross sq. ft.	25 feet		75 feet	
100,001-500,000 gross sq. ft.	50 feet	100 feet			
500,001+ gross sq. ft.	100 feet	200 feet			
Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet	
		100,001-500,000 gross sq. ft.	50 feet	100 feet	
		500,001+ gross sq. ft.	50 feet	200 feet	
Other Uses	6+ spaces		25 feet	50 feet	

- (k) Partial or Phased Development of Required Parking Spaces. Any development may seek permission to not install a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.
 - (l) Limit on the Maximum Number of Required Parking Spaces. No site plan may be approved for a multi-family or nonresidential use which contains more than 120 percent of the development's minimum number of required parking spaces, except as granted through a conditional use permit.
- (7) Joint and Off-Site Parking Facilities.
- (a) Parking facilities which have been approved to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission by explicit motion associated with this site plan review process.

Section 10-104: Off-Street Parking and Traffic Circulation

- (b) Joint use parking facility. Up to 15 percent reduction in the number of required parking spaces for 4 or more separate uses; 10 percent for 3 separate uses; and 5 percent for 2 separate uses may be authorized by the Zoning Administrator following approval of a plan which provides for a collective parking facility of no less than 15,000 square feet, serving 2 or more buildings or uses, developed through voluntary cooperation or under any parking district which may hereafter be provided by law.
 - (c) Day-Night use parking facility. The Zoning Administrator may authorize the shared day-night use of parking facilities under the following conditions:
 - 1. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.
 - 2. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
 - 3. Up to 100 percent of the parking facilities of a church or auditorium incidental to a grade school may be supplied by the off-street parking facilities of daytime uses.
 - 4. For the purposes of this section, daytime uses are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale, or similar primarily daytime uses; and nighttime uses are defined as auditoriums incidental to grade schools, churches, bowling alleys, dancehalls, theaters, bars or restaurants, motels, or similar primarily nighttime or Sunday uses and R-8 and R-9 nonelderly, multifamily housing.
 - (d) The applicant(s) for approval of a joint or day-night use parking facility shall demonstrate that there is no substantial conflict in the demand for parking during the principal operating hours of the two of more uses for which the joint parking facility is proposed to serve. Conditions required for joint use shall be as follows:
 - 1. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities or a longer distance as permitted by the Plan Commission through a conditional use permit.
 - 2. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - 3. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City attorney, shall be filed with Zoning Administrator. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Chapter.
- (8) Locational Prohibitions for Off-Street Parking Areas.
- (a) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
 - (b) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
 - (c) Except in the DMU and UMU districts, there shall be a minimum 10 foot setback for any driveway width additions or parking pads in the front and street side yards. See Figure 10-103a. Driveways adjacent to alleys are exempt from this requirement.

Section 10-104: Off-Street Parking and Traffic Circulation

Figure 10-104c: Minimum Driveway Expansion Setback

(9) Bicycle parking standards.

- (a) Required provision of bicycle parking areas. For residential and non-residential sites having an off-street automobile parking requirement of 100 spaces or more, off-street bicycle parking spaces shall be provided in a number equal to five percent of the automobile parking space requirement. For residential and non-residential sites having an off-street parking requirement of less than 100 spaces, a number of off-street bicycle parking spaces shall be provided equal to ten percent of the automobile parking space requirement. Each inverted-U type rack provided will count as two bicycle parking spaces.
- (b) Specifications for bicycle parking spaces. The "Inverted-U" type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this section. All bicycle parking provided should be on a hard-surfaced area, and be located a minimum of 24 inches from a parallel wall, and 30 inches from a perpendicular wall (as measured closest to the inverted-U). Bicycle parking lockers are specifically encouraged for assigned use by employees and bicycle commuters. Bicycle parking capacity provided via lockers will be considered as being in compliance with these rules. Lockers are to be placed in accordance with setback requirements applicable to vehicular parking lots.

Bicycle parking spaces should either be installed in the public street right-of-way or on private sites in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed within 50 feet of building entrances, or where bicyclists would naturally transition to pedestrian mode. The placement of the racks should minimize conflicts with pedestrians and motorized traffic.

Section 10-105: Off-Street Loading Standards

- (10) **Installation and Maintenance.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 10-107.
- (11) **Use of Off-Street Parking Areas.** The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles. Within residential districts, required parking spaces shall only be used by operable cars and trucks.
- (12) **Setbacks.** The distance from an off street parking area to the property line of an abutting property shall not be less than 5 feet, as measured along the property line, except for existing driveways, driveways on lots of 50 feet in width or less, and shared driveways. Existing parking areas may be maintained, repaired, or replaced at their setback as of the effective date of this chapter. Parking areas and the edge of driveway additions shall have a 10 foot setback from the front and street yard property line.
- (13) **Parking requirement exceptions:**
 - (a) The Plan Commission may decrease the required number of off-street automobile parking spaces based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter.
 - (b) **Parking within the Downtown Mixed Use District.** Within the DMU district, the parking requirements of this Chapter are hereby waived.

Section 10-105: Off-Street Loading Standards

- (1) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **Applicability.** All institutional, commercial, industrial, storage, and transportation land uses which has a gross floor area of 10,000 square feet or more shall provide off-street loading facilities in accordance with the regulations of this Section.
- (3) **Review and Approval.** Through the site plan review process (see Section 10-174), the Plan Commission shall review and approve all development for conformance with this Section.
- (4) **Location.** All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. All loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way.
- (5) **Size of Loading Area.** The first loading berth shall be designed in accordance with Figure 10-105. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All loading berths shall have a minimum vertical clearance of 14 feet.
- (6) **Access to Loading Area.** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (7) **Surface and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (8) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

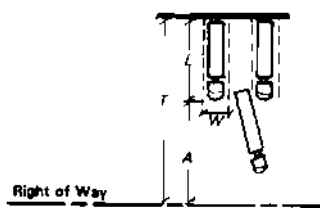
Section 10-106: Exterior Lighting Standards

- (9) Lighting. All loading areas shall be lit so as to not exceed the standards of Section 10-106.
- (10) Signage. All signage located within, or related to, loading areas shall comply with the requirements of Article IX.
- (11) Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

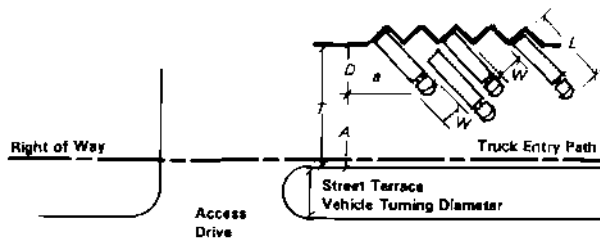
Figure 10-105: Loading Standards

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)	
WB-40	50	90°	50	10	63	113	
				12	56	106	
				14	52	102	
		60°	44	10	46	90	
				12	40	84	
				14	35	79	
			45°	36	10	37	73
					12	32	68
					14	29	65
WB-50	55	90°	55	10	77	132	
				12	72	127	
				14	67	122	
		60°	48	10	55	103	
				12	51	99	
				14	46	94	
			45°	39	10	45	84
					12	40	79
					14	37	76

90 DEGREE DOCKS



SAWTOOTH DOCKS



Section 10-106: Exterior Lighting Standards

- (1) Purpose. The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

Section 10-106: Exterior Lighting Standards

- (2) Applicability. The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.
- (3) Review and Approval. Through the site plan review process (see Section 10-174), the Plan Commission shall review and approve all development for conformance with this Section.
- (4) Depiction on Required Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- (5) Exterior Lighting Requirements.
 - (a) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (b) Flashing, flickering and/or other lighting which may distract motorists are prohibited.
 - (c) Intensity of Illumination.
 1. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles above ambient lighting conditions on a cloudless night.
 2. The maximum average on-site lighting in non-residential zoning districts shall be 2.5 foot-candles.
 3. The maximum average on-site lighting in residential zoning districts shall be 1.0 foot-candles.
 4. The following exceptions shall be permitted:
 - a. The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles.
 - b. The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles; all under-the-canopy fixtures shall be fully recessed.
 5. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
 - (d) Fixtures and Luminaries.
 1. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
 2. Light fixtures shall not be located within required bufferyards.
 3. Total cut-off luminaries with angles of less than 90 degrees shall be required for pole and building security lighting to ensure no fugitive up lighting occurs.
 4. The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
 5. The maximum fixture height in the SR-2, SR-4, SR-5, SR-6, MR-10, MR-20, NMU, DMU, and UMU districts shall be 16 feet. The maximum fixture height in the CMU, BP, GI, LI and ME shall be 25 feet.

Section 10-107: Exterior Storage Standards

6. All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming.
- (e) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.25 foot-candles.
- (f) Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit (see Section 10-172).

Section 10-107: Exterior Storage Standards

- (1) Purpose. The purpose of this Section is to control the use of residential, office, and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Article III.
- (2) Applicability. The requirements of this Section apply to all development.
- (3) Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 10-174).
- (4) Requirements for Exterior Storage in Mixed Use Districts. In all commercial zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: screened refuse containers; construction materials, landscape materials, and related equipment connected within on-site construction; and off-street parking.
- (5) Inoperative Motor Vehicles and Junk. Refer to Chapter 9 in the City's Municipal Code.
- (6) Exterior Trash Storage. All exterior trash storage shall be located within an enclosure that completely screens the view of said trash. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.
- (7) Outdoor Storage of Firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
 - (a) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.
 - (b) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles, or that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to the provisions of this Chapter.
 - (c) Not more than 20 percent of the side and rear yard may be used for storage of firewood at any one time.
- (8) Accessory Parking and Storage. Vehicles without current registration shall be prohibited on any public street or in any yard. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds in any residential district, except recreational vehicles or motor homes are allowed if parked in a driveway.

Section 10-108: Fencing Standards

- (9) **Recreational Vehicles and Structures.** Outside storage is permitted for not more than two total of the following: building for ice fishing, mobile camp trailer, snowmobile, camper utility trailer, boat, all-terrain vehicle and personal watercraft, provided that the above vehicles and structures are owned by the residence. No storage is permitted in front yards, except in the owner's driveway.

Section 10-108: Fencing Standards

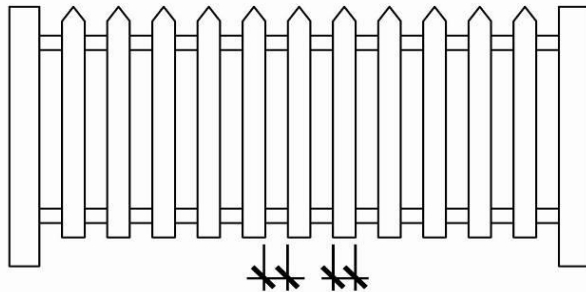
- (1) **Purpose:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 36 inches in height, for all land uses and activities.
- (3) **Review and Approval:** Fences over 20 feet in length shall be reviewed and approved by the Zoning Administrator and shall require a building permit, unless he or she determines that site plan review by the Plan Commission (per Section 10-174) is necessary or the proposed fence requires a conditional use permit.
- (4) **Standards:**
- (a) **Materials:**
1. Residential fences shall be constructed using residential-style fencing including, but not limited to, naturally resistant or treated wood, brick, natural stone, masonry, wrought iron, vinyl, galvanized and/or coated chain link (minimum thickness of 9 gauge and a required top rail support). Chain link fence slats are subject to provisions of this section regarding open and solid fences.
 2. Nonresidential fences shall use the materials listed in Subsection 1., above. Corrugated metal or other solid metal fences may only be used in the LI, GI, and ME zoning districts.
 3. Except of a security fence, any fence within any residential or mixed use within the required or provided front yard, whichever is less restrictive, shall be a maximum of 50 percent opaque such as a wood or metal picket or wood rail fence as defined by the spaces between pickets as equal to or greater than the width of the pickets. See Figure 10-108a.
 4. Wire mesh and chain link fencing is not permitted within the required or provided front yard, whichever is less restrictive, in the RH-35, SR-2, SR-4, SR-5, SR-6, TR-6, MR-10, MR-20, and MH-8 zoning districts, except when used in conjunction with parks, schools, and airports.
 5. Barb wire or razor wire fencing is only permitted on the top of security fencing when located at least 6½ feet above the ground.
 6. Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted. Permits are not required for temporary fencing.
- (b) **Location:**
1. On all properties, no fence or decorative post shall be located closer than 3 feet of the right-of-way line in the provided front yard, provided street side yard property line, or when abutting an alley.
 2. Fences shall be located within any property line abutting a side or rear yard.
 3. All fences must meet the visibility standards in Section 10-103.

Section 10-108: Fencing Standards

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4. Fences may be located within easements per the provisions of the easement.
 5. Replacement of fences existing as of the effective date of this Chapter in their current location shall be permitted.
- (c) Maximum Height: The maximum height of any fence panel, landscape wall, or decorative post shall be the following:
1. In the SR-2, SR-4, SR-5, SR-6, TR-6, MR-10, MR-20, MH-8, and NMU zoning districts:
 - a. Four feet when located within the required front or provided yard, whichever is closer to the street.
 - b. Six feet within the side, rear, or street side yard, but not in the required front yard or beyond the front façade of the house, whichever is closer to the street.
 2. In the CMU, UMU, DMU, BP, LI, GI, ME, and PD zoning districts:
 - a. Eight feet when located behind the front façade of the building or required yard, whichever is closer to the street.
 - b. Four feet when located in the required front yard or between the front façade of the building, whichever is closer to the street.
 - c. Eight feet for security fences in any yard.
 3. Height shall be measured from the ground immediately under the fence to the top of the fence face.
 4. Height exceptions:
 - a. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. This exception is not allowed for front yard fences.
 - b. To accommodate slopes and/or lawn maintenance, up to 4 inches of ground clearance shall be allowed which will not contribute to the measurement of maximum fence height. This exception is not allowed for front yard fences.
 - c. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.
- (5) On Fence Lighting: On fence lighting is permitted and shall conform to all requirements of Section 10-106 as well as the State electrical and building codes.
- (6) Orientation: Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (7) Maintenance: Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (8) Swimming Pools: Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the City Public Works Department.

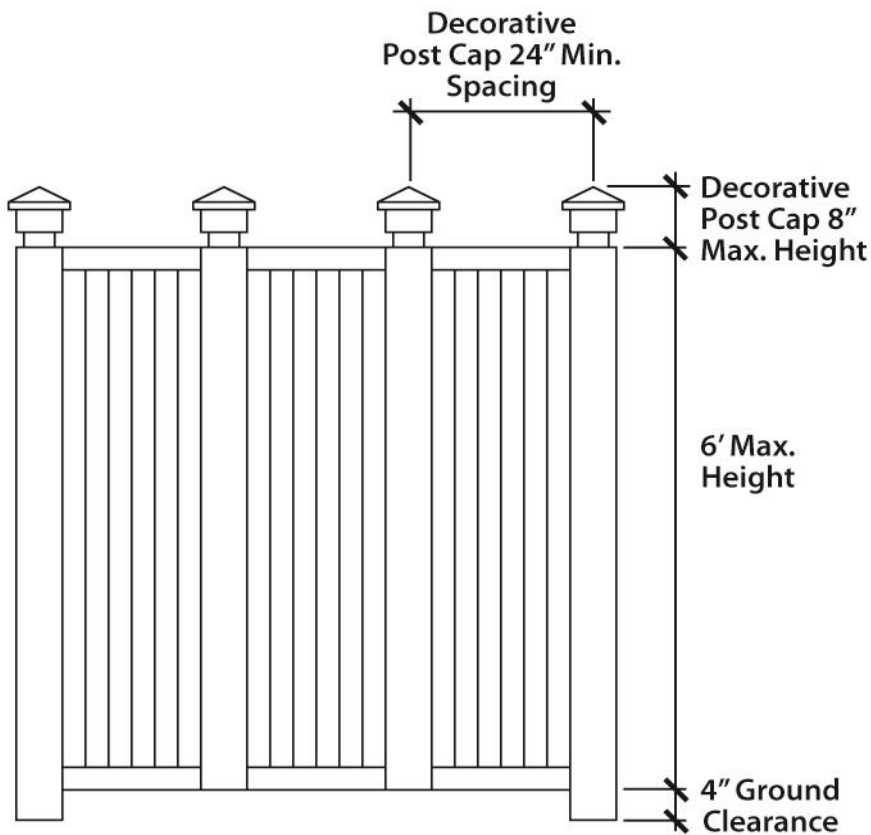
Section 10-108: Fencing Standards

Figure 10-108a: Fencing Standards



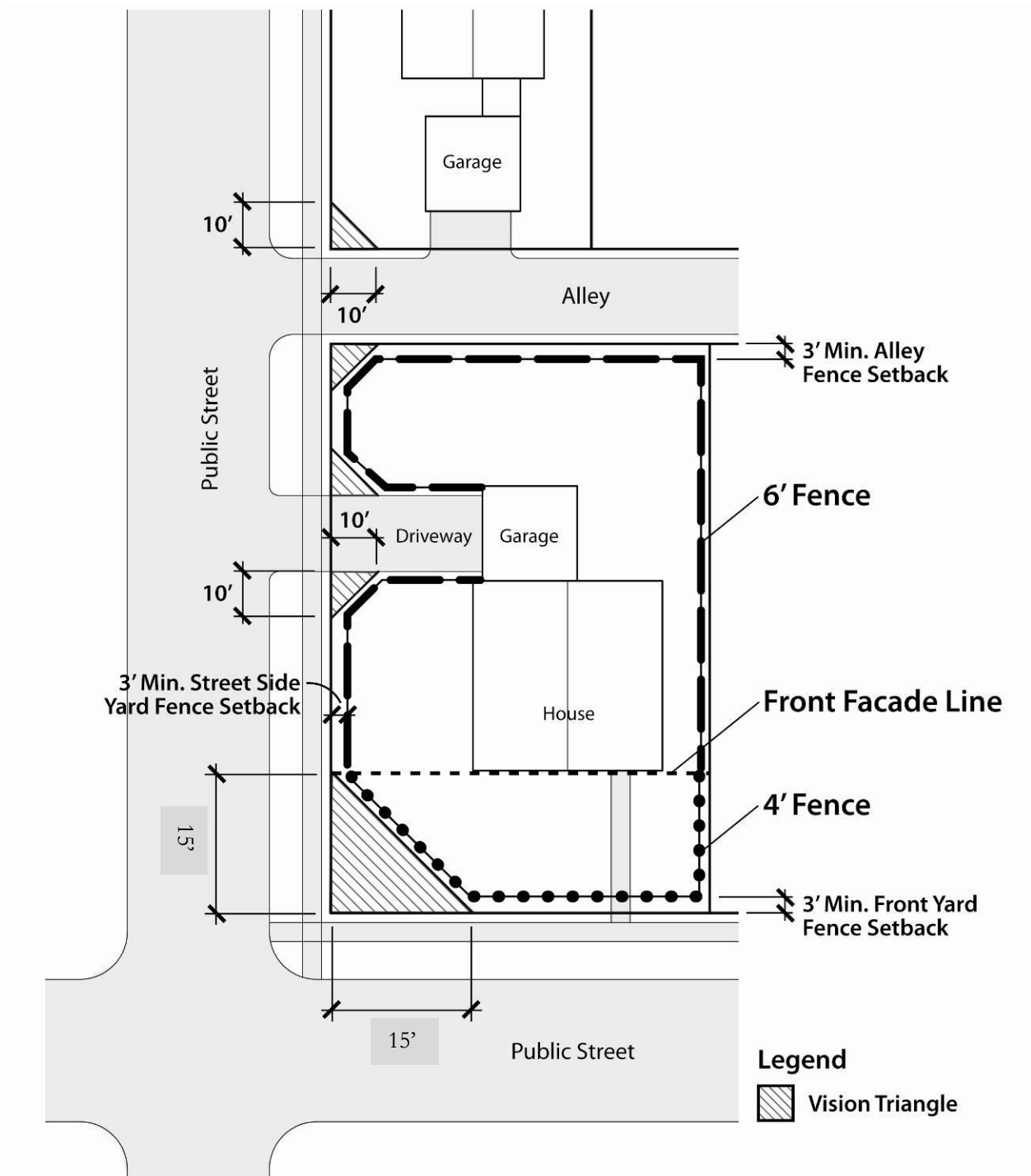
50% Max. Opacity
Opening must be at least as wide as picket

Figure 10-108b: Fencing Standards



Section 10-108: Fencing Standards

Figure 10-108c: Fencing Standards



Section 10-109: Swimming Pool Standards

Section 10-109: Swimming Pool Standards

- (1) Purpose. The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 24 inches, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (3) Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 10-174).
- (4) Permit Required. A building permit must be secured prior to the commencement of construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
- (5) Exempt Pools. Non-filtered storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt.
- (6) Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection (c), above, unless the following requirements are observed:
 - (a) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the City now in effect or hereafter enacted.
 - (b) All plumbing work shall be in accordance with all applicable ordinances of the City and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.
 - (c) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.
- (7) Setbacks and Other Requirements. Private swimming pools shall be erected or constructed on rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least 6 feet from any lot line or building unless designed and approved as an addition to a building.

Section 10-110: Vibration Standards

- (8) **Enclosure.** Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 5 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.
- (9) **Compliance.** All swimming pools existing at the time of adoption of this Chapter not satisfactorily fenced shall comply with the fencing requirements of Subsection (g), or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- (10) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (11) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 10-110: Vibration Standards

- (1) **Purpose.** The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) **Applicability.** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) **Review and Approval.** Through the site plan review process (see Section 10-174), the Plan Commission shall review and approve all development on the subject property.
- (4) **Depiction on Required Site Plan.** Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- (5) **Requirements.** No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 10-110, below.
- (6) **Method of Measurement.** Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: $D = K/f$, where D = displacement in inches; K = a constant to be determined by reference to Figure 10-110 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Section 10-111: Noise Standards

Figure 10-110: Vibration Measurement Constant

	K All Other Districts	K GI District
On or beyond any adjacent lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

Section 10-111: Noise Standards

- (1) Purpose. The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (3) Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 10-111a as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any residential or mixed use zoning district, or the Business Park (BP) district.
- (4) Nonconforming Noise. Noise that was in effect as of the effective date of this Chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter is the responsibility of the noise producer.

Figure 10-111a: Maximum Permitted Noise Level at Lot Line for Continuous Noise

Zoning District	Increase in Noise Level Over Ambient Level
RH-35, SR-2, SR-4, SR-5, SR-6, MR-10, MR-20, MH-8	Plus 3 dBA
NMU, CMU, UMU, DMU, BP	Plus 5 dBA
LI, GI, ME	Plus 8 dBA

Section 10-112: Air Pollution Standards

Figure 10-111b: Adjustment Factors for Maximum Noise Levels

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	Plus 5 dBA
Noise source operates less than 20% of any one hour period	Plus 5 dBA*
Noise source operates less than 5% of any one-hour period	Plus 10 dBA*
Noise source operates less than 1% of any one-hour period	Plus 15 dBA*
Noise of impulsive character (hammering, etc.)	Minus 5 dBA
Noise of periodic character (hum, speech, etc.)	Minus 5 dBA

*Apply only one of these corrections.

Section 10-112: Air Pollution Standards

- (1) Purpose. The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) Standards. In addition to all applicable state and federal standards, the following shall apply:
 - (a) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
 - (b) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
 - (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
 - (d) Outdoor wood furnaces are not permitted in the City of Shawano for public health and safety reasons.
 - (e) All applicable state and federal standards.

Section 10-113: Odor Standards

- (1) Purpose. The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

Section 10-114: Glare and Heat Standards

- (3) Standards. Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential or mixed use district, or the Business Park (BP) district.

Section 10-114: Glare and Heat Standards

- (1) Purpose. The purpose of this Section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

Section 10-115: Fire and Explosions

- (1) Purpose. The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities.
- (3) Standards. Any use involving materials which could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 10-116: Toxic, Noxious, and Waste Materials

- (1) Purpose. The purpose of this Section is to regulate the handling of toxic, noxious, or waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities.
- (3) Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

Section 10-117: Hazardous Materials

Section 10-117: Hazardous Materials

- (1) Purpose. The purpose of this Section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) Applicability. The requirements of this Section apply to all land uses and activities involving any one or more of the following:
 - (a) Micro-organism cultures subject to Wisconsin Statutes 94.65.
 - (b) Pesticides subject to Wisconsin Statutes 94.67(25).
 - (c) Biological products subject to Wisconsin Statutes 95.39.
 - (d) Hazardous substances subject to Wisconsin Statutes 100.37(1)(c).
 - (e) Toxic substances subject to Wisconsin Statutes 101.58(2)(j).
 - (f) Infectious agents subject to Wisconsin Statutes 101.58(2)(f).
 - (g) Any material for which the State of Wisconsin requires notification of a local fire department.
 - (h) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.
- (3) Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

Section 10-118: Group and Large Development Standards

- (1) Purpose. The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the City of Shawano.
- (2) Definitions.
 - (a) Group Development. Any development located on one lot and comprised of any single instance or any combination of the following development types:
 1. One or more principal multi-family residential buildings with 11 or greater residential units on the same lot.
 2. Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
 3. Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.
 - (b) Large Development. Any new development containing any single structure or combination of structures on one or more contiguous lots or building sites on which the total combined gross floor area of all new development exceeds 50,000 square feet of gross floor area. Does not include new additions less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment.

Section 10-118: Group and Large Development Standards

- (3) Common Examples.
 - (a) Common examples of group developments include apartment or condominium complexes with 11 to 20 total units, commercial centers, shopping centers, and office centers where there are two or more principal buildings. Planned Developments may be considered group developments or large developments if they meet the definition in Subsection (2).
 - (b) Common examples of developments that are both group developments and large developments include multi-tenant, nonresidential buildings that are in excess of 50,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 50,000 gross square feet.
- (4) Exceptions. The following situations are exempt from the requirements of this Section.
 - (a) Structures within City parks.
 - (b) Development in the Planned Development District.
 - (c) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator that any principal building can be subsequently detached with a lot and yards conforming to the requirements of this Chapter.
- (5) Review and Approval.
 - (a) All group developments and large developments require a conditional use permit (see Section 10-171) for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district, except where such developments are approved as Planned Developments per Section 10-177 or with an approved conditional use permit.
 - (b) Any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.
 - (c) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
 - (d) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category such outdoor dining or a drive-through. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.
 - (e) The detailed land use regulations in Article III that pertain to each proposed land uses shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.
- (6) Changes to an Approved Group and/or Large Development.
 - (a) Following initial issuance of a conditional use permit for the group development and/or large development, the subsequent addition of structures, additions to structures, and expansions of parking or storage areas in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).

Section 10-118: Group and Large Development Standards

- (b) Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
- (7) Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district may be allowed only by amendment to the conditional use permit, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.
- (8) Standards Applicable to All Group Developments and to All Large Developments.
 - (a) All land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements; and signage requirements.
 - (b) The applicant shall demonstrate how the proposed development relates to each of the following criteria:
 - 1. Complements the design and layout of nearby buildings and developments.
 - 2. Enhances, rather than detracts from, the desired character of the City.
- (9) General Layout and Future Divisibility. All development located within a group development and/or large development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory buildings and buildings located within group developments and/or large developments shall be situated within building envelopes that are in complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments and/or large developments. The use of this approach to designing group developments and/or large developments will facilitate the subdividing of group developments and/or large developments in the future (if such action is so desired).
- (10) Roadway Connections. All nonresidential projects shall have direct access or through an easement to an arterial street or to a collector level street deemed appropriate by the City Engineer.
- (11) Parking. Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Section 10-104 by 25 percent shall be allowed only with specific and reasonable justification.
- (12) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of 10 feet. Display areas on building aprons must maintain a minimum walkway width of 10 feet between the display items and any vehicle drives.
- (13) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan.
- (14) Landscaping. Landscaping shall meet the standards in See Article VIII.
- (15) Lighting. On-site exterior lighting shall meet the standards in Section 10-106.
- (16) Signage. See Article IX for sign regulations.
- (17) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.

Section 10-118: Group and Large Development Standards

- (18) Natural Resources Protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated to and accepted by the City.
- (19) Additional Rules Applicable to All Large Developments (per Section (2)(b), above).
- (a) Compatibility Report. The City may require a written Compatibility Report citing adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address the following items:
1. Traffic Impact Analysis. The City may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. It shall be conducted by a third party agreed upon by both the applicant and City at the applicant's expense. Such Traffic Impact Analysis shall require the following components:
 - a. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.
 - b. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the City may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.
 - c. The City has the option to require a trip generation study.
 - (b) Economic and Fiscal Analysis. The City may require completion of an economic and fiscal impact analysis containing the following items:
 1. Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
 2. Compare and evaluate the projected costs and benefits to the community resulting from the project, including:
 - a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
 - b. Value of improvements to public services and infrastructure to be provided by the project.
 - c. Projected tax revenues to the City to be generated by the project in the first 5 years of business.
 - d. Projected impact of the project in the first 5 years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the City of Shawano.

Section 10-119: Regulations for Vacant Buildings

- (c) **Building Placement and Site Layout.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or out lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the City's Comprehensive Plan.
- (d) The City may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Common Council. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than 1"=400':
 - 1. Land use with specific zoning districts and/or land uses.
 - 2. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
 - 3. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
 - 4. Conceptual stormwater management facilities.
 - 5. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
 - 6. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
 - 7. Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the City's Comprehensive Plan.
- (e) **Building and Parking Placement.** A maximum of 75 percent of all parking spaces located anywhere on the site shall be located between the primary street frontage right of way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides, street sides, and rear of the building unless the applicant can demonstrate a hardship and is approved by the Plan Commission.

Section 10-119: Regulations for Vacant Buildings

- (1) This section shall apply to all buildings as of the effective date of this Chapter.
- (2) Where any building is vacated because the use or uses conducted thereon is being relocated to a different building, the party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
- (3) Any building that is vacated for any reason shall be subject to the following provisions:
 - (a) The owner must file with the City a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
 - (b) The owner shall be required to meet the requirements defined below based on the amount of time the building remains vacant:

Section 10-120: Administration and Enforcement

Figure 10-119: Steps for Addressing Building Vacancy

Time Period Building is Vacant	Requirement
Within 1 Year of Vacancy	Install a fire department access box for annual fire inspection if the Fire Department determines it is necessary. Remove signage and sign structures.
Within 3 Years of Vacancy	City may require owner to paint the building a neutral color, if not already done.
Within 5 Years of Vacancy	City may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard surfaced areas with black dirt and grass, or any combination of the above.

- (c) Within the first quarter of each year of vacancy, the owner shall provide the Zoning Administrator with a statement as to the condition of the building and prospects for removal or re-occupancy of the building(s).
 - (d) At any time following vacancy, the City may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site.
 - (e) Temporary occupancy of the building(s) and/or the exterior grounds for a period of 365 consecutive days or less shall not be considered to remove the vacancy status of the building under this Section.
- (4) Additional Requirements. All large developments are subject to the following additional requirements:
- (a) The developer shall enter into a development agreement with the City, which shall include the payment of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
 - (b) All buildings located between the large building on the site and a public street shall be of architectural quality comparable to the primary structure, as determined by the Plan Commission.

Section 10-120: Administration and Enforcement

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:

- (1) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- (2) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

Sections 10-121 to 10-129: Reserved

- (a) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
- (b) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

Sections 10-121 to 10-129: Reserved**ARTICLE VIII: LANDSCAPING REQUIREMENTS****Section 10-130: Purpose**

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the City.

Section 10-131: Applicability

- (1) The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.
- (2) Any use for which site plan approval is required under Section 10-174 shall provide landscaping in accordance with the regulations of this Section, including expansions of existing buildings and paved areas. In the case of expansions, only the new portion of building or paved area shall provide landscaping per the requirements of this Article.
- (3) Where insufficient site area remains to comply with all provisions of this section, the City may require compliance to the extent practical.
- (4) This Article is designed to encourage preservation of existing plants on the site but granting them double point values per Section 10-133.
- (5) Single family, two family, agricultural land uses, and all uses in the Downtown Mixed Use District are exempt from landscaping requirements.

Section 10-132: Landscape Plan

The applicant shall provide a landscaping plan, prepared by a qualified person or firm, depicting the following:

- (1) Plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and shall include a north arrow, property lines, and easements.
- (2) Zoning of the subject property and abutting properties.
- (3) Linear feet of the new/expanded building foundation and street frontage.
- (4) Square footage of the total lot and new/expanded paved area.

Section 10-133: Landscaping Requirements

- (5) Existing landscaping to be removed.
- (6) Existing landscaping to remain including type/name, size, number, and number of landscaping points per Figure 10-133a doubled.
- (7) Proposed landscaping meeting the requirements of this Article including type/name, size, number, and number of landscaping points per Figure 10-133a.

Section 10-133: Landscaping Requirements

Landscaping shall be provided based on the following requirements for street frontages, paved areas, and bufferyards. These requirements are additive to each other and any other landscaping or screening requirements in this Chapter. Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. In calculating the number of required landscaping points under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this section (for example: 23.3 canopy trees) shall be rounded up to the next whole plant (for example: 24 canopy trees).

- (1) Building Foundations
 - (a) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum to meet the number of landscaping points specified in Figure 10-133a.
 - (b) Tall trees shall not be used to meet building foundation landscaping requirements.
 - (c) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.
 - (d) Non-street frontage points in the LI and GI zoning districts may be distributed throughout the property upon approve of city staff.
- (3) Paved Areas.
 - (a) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 10-133a.
 - (b) Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
 - (c) A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.
 - (d) Parking Lot Design.
 1. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
 2. Parking spaces must be broken by a tree island at the rate of one island for each linear row of 12 parking spaces for single-row or peninsula configurations, or for each 24 parking spaces in double row configurations.
 3. All tree islands and landscaped areas with trees shall have a minimum of 9 feet as measured from outside the curb or frame.
 4. All landscaped areas without trees, but planted with shrubs, shall have a minimum width of 3 feet measured from inside the curb or frame.

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- (4) Street Frontages.
- (a) For every 100 linear feet of street frontage of a developed lot abutting a public street right of way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 10-133a.
 - (b) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right of way.
 - (c) Unless meeting the requirements in Section (f) below, landscaping shall not be located within a public right of way. Landscaping shall not impede vehicle or pedestrian visibility. See Section 10-103.
 - (d) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50 percent of all points shall be devoted to decorative or medium trees, or a combination of such trees.
 - (e) For all lots not meeting the requirements of this Subsection as of the effective date of this Chapter, the following shall apply:
 - 1. For additions to floor area, landscaping installed shall be equal to the percent increase in new floor area. New floor area shall be defined as the square footage of the addition divided by the square footage of the existing building.
 - 2. For additions to paved areas, landscaping installed shall be equal to the percent increase in new paved area. New paved area shall be defined as the square footage of the addition divided by the square footage of the existing paved area.
 - (f) The City may require the street frontage landscaping to be placed within the right-of-way and may collect fees to purchase and install such landscaping.
- (5) Yard Areas
- (a) For every 1,000 square feet of gross floor area, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 10-133a.
 - (b) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards.
 - (c) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).
 - (d) For all lots not meeting the requirements of this Subsection as of the effective date of this Chapter, the following shall apply:
 - 1. For additions to floor area, landscaping installed shall be equal to the percent increase in new floor area. New floor area shall be defined as the square footage of the addition divided by the square footage of the existing building.
- (6) Bufferyards. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).

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- (a) The required level of bufferyard opacity is listed in Figure 10-133b. Detailed bufferyard requirements are listed in Figure 10-133c. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.
 - (b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards or for existing development.
 - (c) Bufferyards are not required for existing development.
 - (d) Bufferyards are not required where additions to existing buildings or paved areas are not visible from adjacent properties eligible for buffering according to Article III or Figure 10-133b.
 - (e) Where the minimum permitted width for the required bufferyard is not available under the current state of development, the Plan Commission may reduce the width required for the bufferyard to that currently available on the site.
- (7) Use of Required Bufferyard and Landscaped Areas. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- (8) Utility Easements. Landscaping materials, fences and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by the City and applicable utilities. The width of such areas may be counted as part of a landscaping requirement.
- (9) Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation, or maintained in crop production if approved by the Plan Commission. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into walks, drives, streets or other hard surfaced portions of the site.

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Figure 10-133a: Landscaping Requirements for Regular Development

		Landscaping Component			
		Building Foundation	Paved Areas	Street Frontages	Yard Areas
Type of Landscaping		Tall trees not allowed	A minimum of 30% of points devoted to tall trees and 40% to shrubs	Shrubs not allowed; a minimum of 50% of points devoted to tall trees and 30% to medium trees	Any type allowed
Placement of Landscaping		Within 10 feet of building foundation	Within paved area or within 10 feet of paved area	Within 10 feet of the public right of way	Any location
Calculation of Landscaping Points		Points per 100 linear feet of building foundation	Greater of: points per 20 parking stalls or 10,000 square feet of paved area	Points per 100 feet of street frontage	Points per 1,000 square feet of gross floor area
Zoning Districts:	Rural Holding (RH-35)*	20	20	20	10
	Single Family Residential (SR-2)*	40	40	40	20
	Single Family Residential (SR-4)*	40	40	40	20
	Single Family Residential (SR-5)*	40	40	40	20
	Single Family and Two-Flat Residential (SR-6)*	40	40	40	20
	Two Family Residential (TR-6)*	45	45	45	20
	Multi-Family Residential (MR-10)*	60	60	60	30
	Multi-Family Residential (MR-20)*	75	75	75	40
	Mobile Home Residential (MH-8)*	40	40	40	20
	Neighborhood Mixed Use (NMU)	40	40	40	20
	Community Mixed Use (CMU)	40	40	40	20
	Urban Mixed Use (UMU)	40	40	40	20
	Downtown Mixed Use (DMU)	0	0	0	0
Business Park (BP)	25	40	25	10	
Light Industrial (LI)	20	20	20	5	
General Industrial (GI)	20	20	20	5	
Mineral Extraction (ME)	20	20	20	5	

*Note: Single family, two family, and all agricultural land uses are exempt from landscaping requirements.

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Figure 10-133b: Required Bufferyard Opacity Values

Apply the required opacity value from this Figure to Figure 10-133c and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		Adjacent Property's Zoning District:																
		RH-35	SR-2	SR-4	SR-5	SR-6	TR-6	MR-10	MR-20	MH-8	NMU	CMU	UMU	DMU	BP	LI	GI	ME
Subject Property's Zoning District:	Rural Holding (RH-35)																	
	Single Family Residential (SR-2)	*																
	Single Family Residential (SR-4)	*	0															
	Single Family Residential (SR-5)	*	0	0														
	Single Family and Two-Family Residential (SR-6)	*	0	0	0													
	Two Family Residential (TR-6)	*	.1	.1	.1	.1												
	Multi-family Residential-10 (MR-10)	*	.2	.2	.2	.2	.1											
	Multi-family Residential-20 (MR-20)	*	.3	.3	.3	.3	.2	.1										
	Mobile Home Residential (MH-8)	*	.3	.3	.3	.3	.2	.1	.1									
	Neighborhood Mixed Use (NMU)	*	.4	.4	.4	.4	.4	.3	.2	.2								
	Community Mixed Use (CMU)	*	.4	.4	.4	.4	.4	.3	.2	.2	.2							
	Urban Mixed Use (UMU)	*	.4	.4	.4	.4	.4	.3	.2	.2	.1	.1						
	Downtown Mixed Use (DMU)	*	.4	.4	.4	.4	.4	.3	.2	.2	.1	.1	.1					
	Business Park (BP)	*	.6	.6	.6	.6	.5	.4	.4	.4	.3	.3	.2	.1				
	Light Industrial (LI)	*	.6	.6	.6	.6	.5	.4	.4	.4	.3	.3	.2	.1	.1			
General Industrial (GI)	*	.6	.6	.6	.6	.5	.4	.4	.4	.4	.4	.4	.4	.3	.2			
Mineral Extraction (ME)	*	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	.8	.8	.8	.8	.8	.8		

*Note: Refer to Future Land Use Map of the City's Comprehensive Plan for the most likely future zoning district.

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Figure 10-133c: Detailed Bufferyard Requirements

Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure
0.05	00	10+	Minimum 44 inch picket fence*
	00	10+	Minimum 4 foot wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10+	Minimum 44 inch picket fence*
	38	10+	Minimum 4 foot wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
0.20	62	35+	N/A
	00	35+	Minimum 4 foot berm
	00	10+	Minimum 6 foot solid fence*
	84	10+	Minimum 44 inch picket fence*
	133	15+	Minimum 4 foot wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
0.30	10	35+	Minimum 4 foot berm
	135	40+	N/A
	00	40+	Minimum 5 foot berm
	00	10+	Minimum 6 foot solid fence*
	198	15+	Minimum 44 inch picket fence*
	320	20	N/A
	240	20+	Minimum 4 foot wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
	104	35+	Minimum 4 foot berm
	223	40	N/A
	44	40+	Minimum 5 foot berm

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Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure
0.40	215	45	N/A
	209	50+	N/A
	00	50+	Minimum 6 foot berm
	53	10+	Minimum 6 foot solid fence*
	330	20+	Minimum 44 inch picket fence*
	440	25	N/A
	362	25+	Minimum 4 foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35+	Minimum 4foot berm
	327	40	N/A
	148	40+	Minimum 5 foot berm
	310	45	N/A
	299	50+	N/A
	56	50+	Minimum 6 foot berm
	150	10+	Minimum 6 foot solid fence*
	564	30	N/A
	405	30+	Minimum 44 inch picket fence*
	492	30+	Minimum 4 foot wood rail fence*
	499	35	N/A
0.50	319	35+	Minimum 4 foot berm
	454	40	N/A
	261	40+	Minimum 5 foot berm
	422	45	N/A
	405	50	N/A
	160	50+	Minimum 6 foot berm
	388	55	N/A
	374	60+	N/A
	250	10+	Minimum 6 foot solid fence*
	433	35+	Minimum 4 foot berm
0.60	541	35+	Minimum 44 inch picket fence*
	630	35+	Minimum 4 foot wood rail fence*
	626	40	N/A
	379	40+	Minimum 5 foot berm
	570	45	N/A
	525	50	N/A
	270	50+	Minimum 6 foot berm
	500	55	N/A

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Opacity	# Landscaping Points per 100 feet	Width (in feet)	Required Structure	
0.80	480	60+	N/A	
	415	30+	Minimum 6 foot solid fence*	
	655	40+	Minimum 4 foot berm	
	627	45+	Minimum 5 foot berm	
	873	45+	Minimum 44 inch picket fence*	
	910	50	N/A	
	505	50+	Minimum 6 foot berm	
	809	50+	Minimum 4 foot wood rail fence*	
	804	55	N/A	
	744	60	N/A	
	710	65	N/A	
	677	70+	N/A	
	1.00	636	40+	Minimum 8 foot solid fence
		732	50+	Minimum 8 foot solid fence
751		50+	Minimum 8 foot solid fence	
867		55+	Minimum 8 foot solid fence	
1091		60+	Minimum 8 foot solid fence	
1136		60+	Minimum 8 foot solid fence	
1083		65	Minimum 8 foot solid fence	
994		70	Minimum 8 foot solid fence	
934		75	Minimum 8 foot solid fence	
892		80+	Minimum 8 foot solid fence	

Notes: *Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

Section 10-134: Classification of Plant Species

Figure 10-133d: Landscaping Points

Plant Category	Landscaping Per Plant	Points	Minimum Permitted Installation Size
Shade Tree	75		2” Caliper
Tall Deciduous Tree	30		1 ½” Caliper
Medium Deciduous Tree	15		6’ Tall
Low Deciduous Tree	10		4’ Tall
Tall Evergreen Tree	40		5’ Tall
Medium Evergreen Tree	20		4’ Tall
Low Evergreen Tree	12		3’ Tall
Tall Deciduous Shrub	5		36” Tall
Medium Deciduous Shrub	3		24” Tall
Low Deciduous Shrub	1		18” Tall
Medium Evergreen Shrub	5		18” Tall/Wide
Low Evergreen Shrub	3		12” Tall/Wide
Non-contributory Plants	0		N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

Section 10-134: Classification of Plant Species

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 10-134a. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 10-134b for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 10-134c for a list of species to use sparingly or to avoid.

Figure 10-134a: Common Appropriate Landscaping Species

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Shade Trees	75	Maple (Red)	<i>Acer spp.</i>
Shade Trees	75	Birch (River, Paper)	<i>Betula spp.</i>
Shade Trees	75	Linden (Basswood, Redmond, Little Leaf)	<i>Tilia spp.</i>
Shade Trees	75	Elms (hybrids)	<i>Ulmus spp.</i>
Shade Tree	75	Oak (White)	<i>Quercus spp.</i>
Shade Trees	75	Honey Locust (male cultivars)	<i>Gleditsia triacanthos var. inermis</i>
Tall Deciduous Trees	30	Chanticleer pear	<i>Pyrus calleryana 'Chanticleer'</i>
Tall Deciduous Trees	30	Hackberry	<i>Celtis occidentalis</i>
Tall Deciduous Trees	30	Chinkapin oak	<i>Quercus muehlenbergii</i>
Tall Deciduous Trees	30	Gingko (male cultivars)	<i>Gingko biloba</i>
Tall Deciduous Trees	30	State Street Miyabe maple	<i>Acer miyabei 'Morton'</i>
Medium Deciduous Trees	15	Paperbark maple	<i>Acer griseum</i>
Medium Deciduous Trees	15	Serviceberry	<i>Amelanchier</i>
Medium Deciduous Trees	15	Hawthorn	<i>Crataegus viridis</i>

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Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Medium Deciduous Trees	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>
Medium Deciduous Trees	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>
Medium Deciduous Trees	15	Callery pear	<i>Pyrus calleryana</i>
Low Deciduous Trees	10	Hazelnut	<i>Corylus spp.</i>
Low Deciduous Trees	10	Russian Olive	<i>Elaeagnus angustifolia</i>
Low Deciduous Trees	10	Flowering crabapples	<i>Malus spp.</i>
Low Deciduous Trees	10	Japanese tree lilac	<i>Syringa reticulata</i>
Tall Evergreen Trees	40	Firs	<i>Abies spp.</i>
Tall Evergreen Trees	40	Black Hills Spruce	<i>Picea glauca var. densata</i>
Tall Evergreen Trees	40	Serbian Spruce	<i>Picea omorika</i>
Tall Evergreen Trees	40	Pine (except Austrian)	<i>Pinus spp. (not nigra)</i>
Tall/Medium Evergreen	30	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
Tall/Medium Evergreen	30	Arborvitae	<i>Thuja spp.</i>
Tall/Medium Evergreen	30	Eastern hemlock	<i>Tsuga canadensis</i>
Low Evergreen Trees	12	Juniper (Mountbatten)	<i>Juniperus chinensis</i>
Tall Deciduous Shrubs	5	Elderberry	<i>Sambucus canadensis "aurea"</i>
Tall Deciduous Shrubs	5	Dogwood (Gray, Pagoda)	<i>Cornus spp.</i>
Medium Deciduous Shrubs	3	Weigela	<i>Weigela spp.</i>
Medium Deciduous Shrubs	3	Cotoneaster	<i>Cotoneaster spp.</i>
Medium Deciduous Shrubs	3	Forsythia (Virgina, Rugosa)	<i>Forsythia</i>
Medium Deciduous Shrubs	3	Shrub Rose	<i>Rosa spp.</i>
Medium Deciduous Shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	<i>Viburnum spp.</i>
Medium Deciduous Shrubs	3	Potentilla	<i>Potentilla spp.</i>
Medium Deciduous Shrubs	3	Bush Honeysuckle	<i>Diervilla spp.</i>
Medium Deciduous Shrubs	3	Ninebark	<i>Physocarpus spp.</i>
Low Deciduous Shrubs	1	Azalea	<i>Azalea spp.</i>
Low Deciduous Shrubs	1	Gro-Low Sumac	<i>Rhus aromatica</i>
Tall-Medium Evergreen	5	Juniper (Pfitzer)	<i>Juniperus x pfitzeriana</i>
Tall-Medium Evergreen	5	Yew (Japanese)	<i>Taxus spp.</i>
Low Evergreen Shrubs	2	Boxwood	<i>Buxus spp.</i>
Low Evergreen Shrubs	2	Juniper (Sergeant, Creeping, Andorra)	<i>Juniperus spp.</i>
Perennial Plantings	20/20 sf	Coneflower	<i>Echinacea spp.</i>
Perennial Plantings	20/20 sf	Catmint	<i>Nepeta spp.</i>
Perennial Plantings	20/20 sf	Black-Eyed Susan	<i>Rudbeckia hirta</i>
Perennial Plantings	20/20 sf	Lily	<i>Lilium spp.</i>
Perennial Plantings	20/20 sf	Daylily	<i>Hemerocallis spp.</i>
Perennial Plantings	20/20 sf	Ornamental Grass	<i>varies</i>
Perennial Plantings	20/20 sf	Lady's Mantel	<i>Alchemilla spp.</i>
Perennial Plantings	20/20 sf	Columbine	<i>Aquilegia spp.</i>
Perennial Plantings	20/20 sf	Aster	<i>Aster spp.</i>
Perennial Plantings	20/20 sf	Jack Frost	<i>Brunnera macrophylla</i>

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Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Perennial Plantings	20/20 sf	Blazing Star	<i>Liatris spp.</i>
Perennial Plantings	20/20 sf	Black Bugbane	<i>Cimicifuga simplex</i> "Brunette"
Perennial Plantings	20/20 sf	Peony	<i>Paeonia spp.</i>
Perennial Plantings	20/20 sf	Pachysandra	<i>Pachysandra spp.</i>
Perennial Plantings	20/20 sf	Stonecrops	<i>Sedum spp.</i>
Perennial Plantings	20/20 sf	Astilbe	<i>Astilbe spp.</i>
Perennial Plantings	20/20 sf	Hosta	<i>Hosta spp.</i>

Figure 10-134b: Sample Plant Species Appropriate for Specific Situations

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Low Deciduous Tree	Flowering crabapple	<i>Malus spp.</i>
	Low Deciduous Tree	Japanese tree lilac	<i>Syringa reticulata</i>
	Tall Evergreen Tree	Firs	<i>Abies spp.</i>
	Tall Evergreen Tree	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
Appropriate for Screening	Tall Evergreen Trees	Spruces	<i>Picea spp.</i>
	Tall Evergreen Trees	Pines	<i>Pinus spp.</i>
	Tall Evergreen Tree	Douglas fir	<i>Pseudotsuga menziesii var. glauca</i>
	Tall Evergreen Tree	Eastern hemlock	<i>Tsuga canadensis</i>
Salt Tolerant	Medium Evergreen Tree	Arborvitae	<i>Thuja occidentalis</i>
	Shade Tree/Tall or Medium Deciduous Tree (varies by species)	Maple	<i>Acer spp</i>
	Shade Tree	Sweet Gum	<i>Liquidambar styraciflua</i>
	Shade Tree (not street)	European Horse Chestnut	<i>Aesculus hippocastranum</i>
	Shade Tree	White Oak	<i>Quercus alba</i>
	Low Deciduous Tree	Flowering Crabapples	<i>Malus spp</i>
	Low Deciduous Tree	Crape Myrtle	<i>Lagerstroemia indica</i>
	Deciduous Tree	Honey Locust	<i>Gleditsia triacanthos</i>
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	<i>Cornus spp</i>
	Tall Deciduous Shrub	Japanese Tree Lilac	<i>Syringa reticulata</i>
Tall Deciduous Shrub	Common Lilac	<i>Syringa vulgaris</i>	
Medium Deciduous Shrub	Barberry	<i>Berberis spp</i>	
Medium Deciduous Shrub	Viburnum	<i>Adoxaceae</i>	

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Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
	Medium Deciduous Shrub	Forsythia (Virgina, Rugosa)	<i>Forsythia spp</i>
	Medium Deciduous Shrub	Rugosa Rose	<i>Rosa rugosa</i>
	Small Deciduous Shrub	Potentilla	<i>Cinquefoils</i>
	Low Deciduous Shrub	Azalea	<i>Azalea spp</i>
	Low Deciduous Shrub	Apline Current	<i>Ribes alpinum</i>
	Low Deciduous Shrub	Snowberry	<i>Symphoricarpos</i>
	Tall Evergreen Tree	American holly	<i>Ilex opaca</i>
	Tall Deciduous Shrub	Staghorn Sumac	<i>Rhus typhina</i>
	Tall Deciduous Shrub	Mockorange	<i>Philadelphus</i>
	Tall/Medium Shrub	Evergreen Pfitzer Juniper	<i>Juniperus x pfitzeriana</i>
	Tall/Medium Shrub	Evergreen Yew (Japanese)	<i>Taxus spp</i>
	Low Evergreen Shrub	Boxwood	<i>Buxus spp</i>

Figure 10-134c: Species that are Prohibited and Those to Use Sparingly

Classification	Common Name	Scientific Name	Prohibited ² or Use Sparingly ¹	Reason	Alternative
Shade Tree	Non-resistant elms	<i>Ulmus spp.</i>	Prohibited	Dutch Disease	Elm Disease Resistant Elm Cultivars:
Shade Tree	Boxelder	<i>Acer negundo</i>	Prohibited	Spread quickly	'Princeton,' 'Valley Forge,' &
Shade Tree	Freeman Maple	<i>Acer x freemanii</i>	Prohibited	Over-planted	'New Harmony' Littleleaf Linden
Shade Tree	Norway Maples	<i>Acer platanoides</i>	Prohibited	Over-planted, dense	Tilia cordata, (urban tolerant) Kentucky
Shade Tree	Red Maples	<i>Acer rubrum</i>	Use Sparingly	Prefer acidic soil	Coffeetree Gymnocaldus
Shade Tree	Sawtooth oak	<i>Quercus acutissima</i>	Prohibited	Invasive, non-native	non-dioicis River birch
Shade Tree	Sugar Maples	<i>Acer saccharum</i>	Use Sparingly	Thrives only in certain conditions; picky	Betula nigra Oaks Quercus spp.
Tall Tree	Deciduous Autumn Maple	Blaze <i>Acer truncatum</i>	Use Sparingly	Over-planted	Ginkgo (Ginkgo biloba) Hackberry (Celtis occidentalis)
Tall Tree	Deciduous Ash trees	<i>Fraxinus spp.</i>	Prohibited	Emerald Borer	Ash Chanticleer pear (Pyrus calleryana)

Section 10-134: Classification of Plant Species

Classification	Common Name	Scientific Name	Prohibited ² or Use Sparingly ¹	Reason	Alternative
Tall Deciduous Tree	Bradford pears	<i>Pyrus calleryana</i> "bradford"	Use Sparingly	Poorly branches, tend to break	'Chanticleer')
Tall Deciduous Tree	Princess tree	<i>Paulownia tomentosa</i>	Prohibited	Invasive, non-native	
Medium Deciduous Tree	Tree-of-Heaven	<i>Ailanthus altissima</i>	Prohibited	Invasive, native	Serviceberry non-Amelanchier spp. American Hornbeam or Musclewood Carpinus non-aroliniana Eastern Redbud Cercis canadensis
Medium Deciduous Tree	White mulberry	<i>Morus alba</i>	Prohibited	Invasive, native	
Low Deciduous Tree	Purple Sandcherry	<i>Prunus x cistena</i>	Use Sparingly	Short-lived	Flowering Crabapple Malus spp. American hazelnut Corylus americana
Low Deciduous Tree	Russian olive	<i>Elaeagnus angustifolia</i>	Prohibited	Invasive, native	non-Japanese Tree Lilac Syringa reticulata
Tall Deciduous Shrub	Autumn-olive	<i>Elaeagnus umbellata</i>	Prohibited	Invasive, native	non-
Tall Deciduous Shrub	Buckthorns	<i>Rhamnus cathartica</i>	Prohibited	Invasive, native	non-Grey Dogwood Cornus mas
Tall Deciduous Shrub	Multiflora rose	<i>Rosa multiflora</i>	Prohibited	Invasive, native	non-Lilacs Syringa spp.
Tall Deciduous Shrub	Scotch broom	<i>Cytisus scoparius</i>	Prohibited	Invasive, native	non-
Medium Deciduous Shrub	Burning bush	<i>Euonymus alatus</i>	Prohibited	Invasive native	non-Red chokeberry Aronia arbutifolia Black chokeberry
Medium Deciduous Shrub	Honeysuckle	<i>Lonicera spp.</i>	Prohibited	Invasive, native	non-Aronia melanocarpa Redosier dogwood Cornus sericea
Medium Deciduous Shrub	Japanese spirea	<i>Spiraea japonica</i>	Prohibited	Invasive (re-seed)	Summersweet Clethra
Medium Deciduous Shrub	Wineberry	<i>Rubus phoenicolasius</i>	Prohibited	Invasive, native	non-Clethra alnifolia Viburnums Viburnum spp.

Section 10-135: Standards for Rain Gardens and Bioswales

Classification	Common Name	Scientific Name	Prohibited ² or Use Sparingly ¹	Reason	Alternative
Low Deciduous Shrub	Japanese Barberry	<i>Berberis thunbergii</i>	Prohibited	Invasive; planted	over-Dwarf honeysuckle bush Diervilla lonicera
Tall Tree	Evergreen Austrian pine	<i>Pinus nigra</i>	Use Sparingly	Over-planted	Norway spruce <i>Picea abies</i>
Tall Tree	Evergreen Blue spruce	<i>Picea pungens</i>	Use Sparingly	Over-planted	Canadian hemlock <i>Tsuga canadensis</i>
Tall Tree	Evergreen White pine	<i>Pinus strobus</i>	Use Sparingly	Over-planted	Scotch pine <i>Pinus sylvestris</i>
Tall Tree	Evergreen White spruce	<i>Picea glauca</i>	Use Sparingly	Over-planted	American arborvitae <i>Thuja occidentalis</i>

Notes:

¹“Species to Use Sparingly” may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than one of those 20 trees may be classified as a “Species to Use Sparingly.” The purpose of this provision is to encourage plant species diversity throughout the City.

²“Prohibited Species” may not be included as part of any landscaping plan that is subject to City review per Section 10-132. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

Section 10-135: Standards for Rain Gardens and Bioswales

(1) Definition.

- (a) Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.
- (b) A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

(2) Requirements.

- (a) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the City’s landscaping guidelines. Rain gardens may count for 20 points for every 20 square feet for yard area, building foundation, and/or paved area requirements, provided the following requirements are met.

Section 10-136: Installation Requirements

- (b) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bioswale.
- (c) Installation shall not be proposed for any of the following areas of a site:
 - 1. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain;
 - 2. Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
 - 3. Areas where there are expected to be high levels of foot traffic.
- (d) The owner of the site shall demonstrate that the rain garden or bioswale shall be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.
- (e) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.
- (f) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

Section 10-136: Installation Requirements

- (1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
- (2) Surety.
 - (a) If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 365 day period and shall furnish to the City an irrevocable letter of credit or other form of security acceptable to the City sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110 percent of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property and shall be verified by the City. The financial security shall remain in force until all of the work has been completed and approved by the City. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to a forfeiture upon conviction.

Section 10-137: Sample Landscaping Schemes

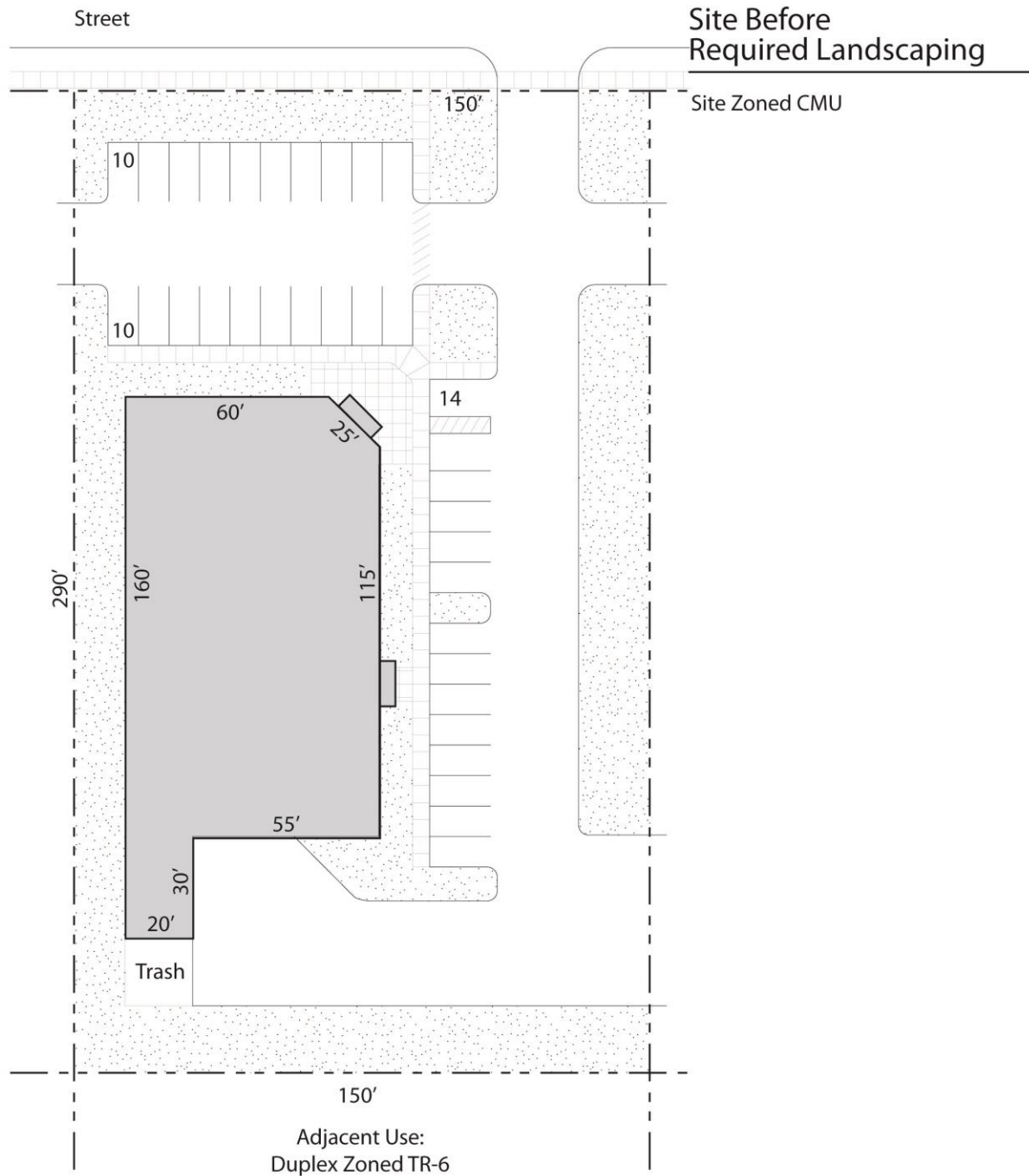
- (b) If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the Land Division Regulations requires otherwise.
 - (c) If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee and file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.
- (3) If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.
- (4) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (5) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the City for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
- (a) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
 - (b) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - (c) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.
 - (d) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
 - (e) The restrictions on types of plants listed in this Article shall apply.
- (6) **Maintenance.** The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. If the property owner fails to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

Section 10-137: Sample Landscaping Schemes

Sample landscaping schemes that may be used for street frontages, paved areas, and buffer yards are depicted in Figure 10-137a through Figure 10-137g.

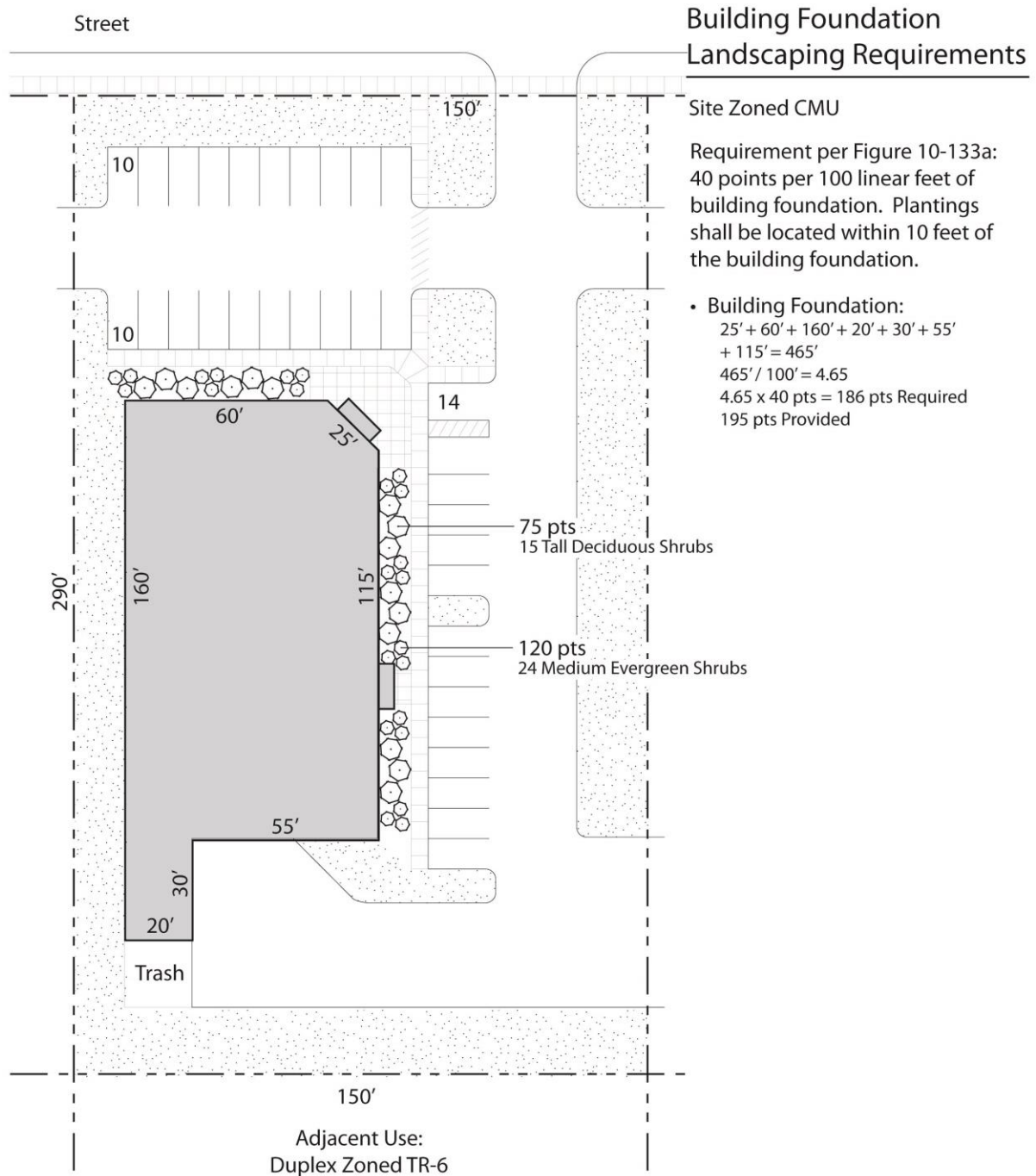
Section 10-137: Sample Landscaping Schemes

Figure 10-137a: Sample Landscaping Schemes – Site Before Required Landscaping



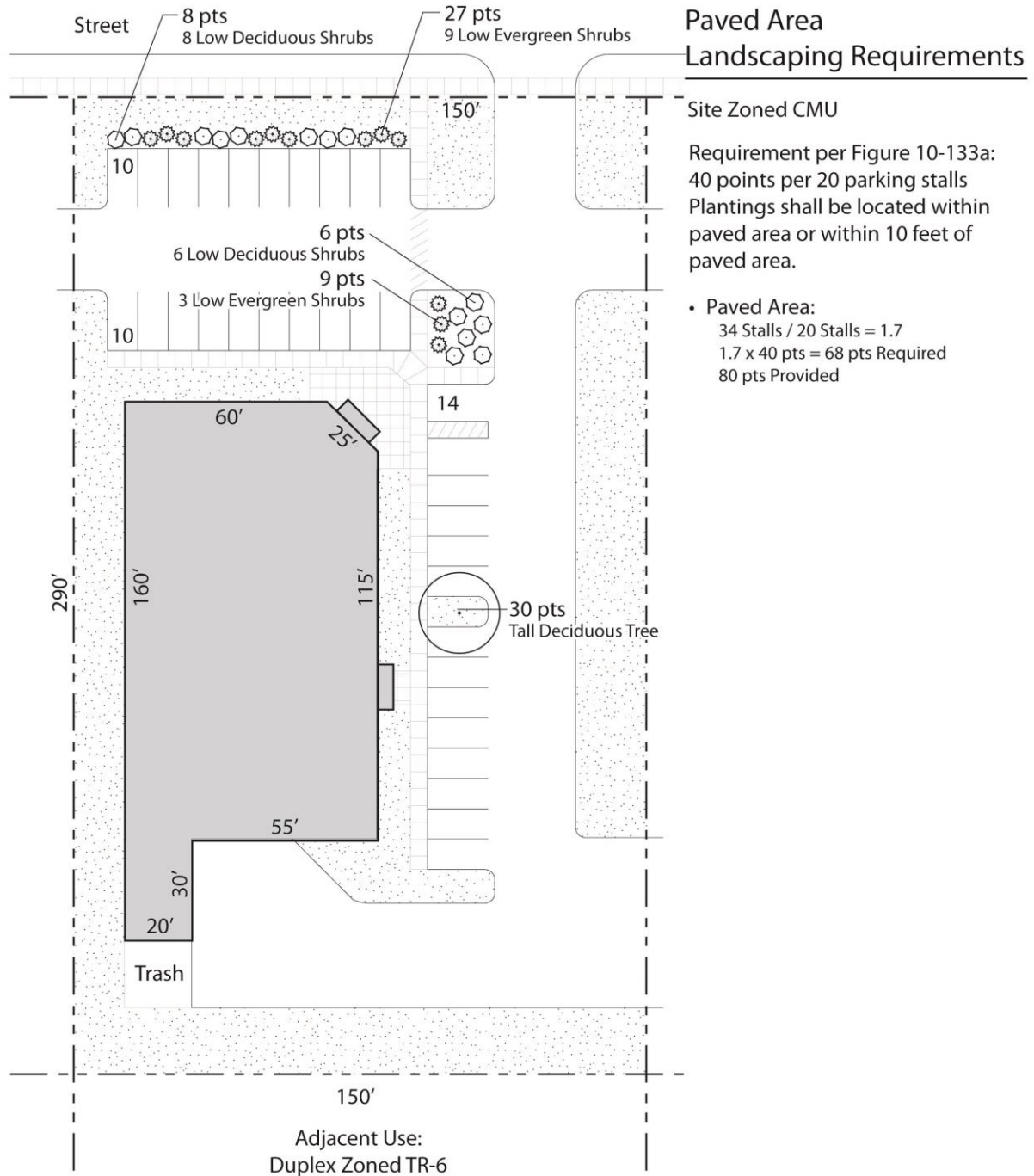
Section 10-137: Sample Landscaping Schemes

Figure 10-137b: Sample Landscaping Schemes – Building Foundation



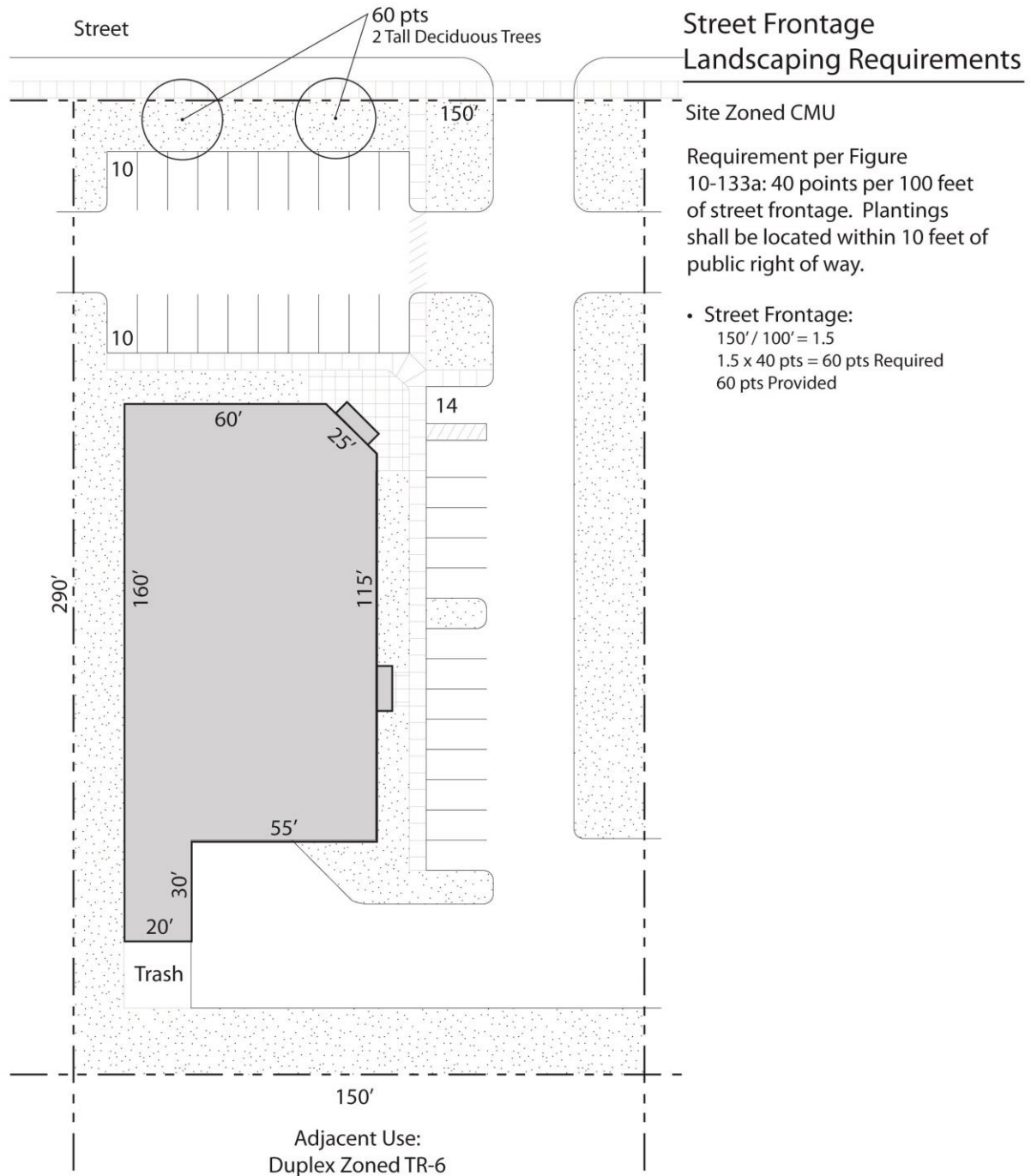
Section 10-137: Sample Landscaping Schemes

Figure 10-137c: Sample Landscaping Schemes – Paved Areas



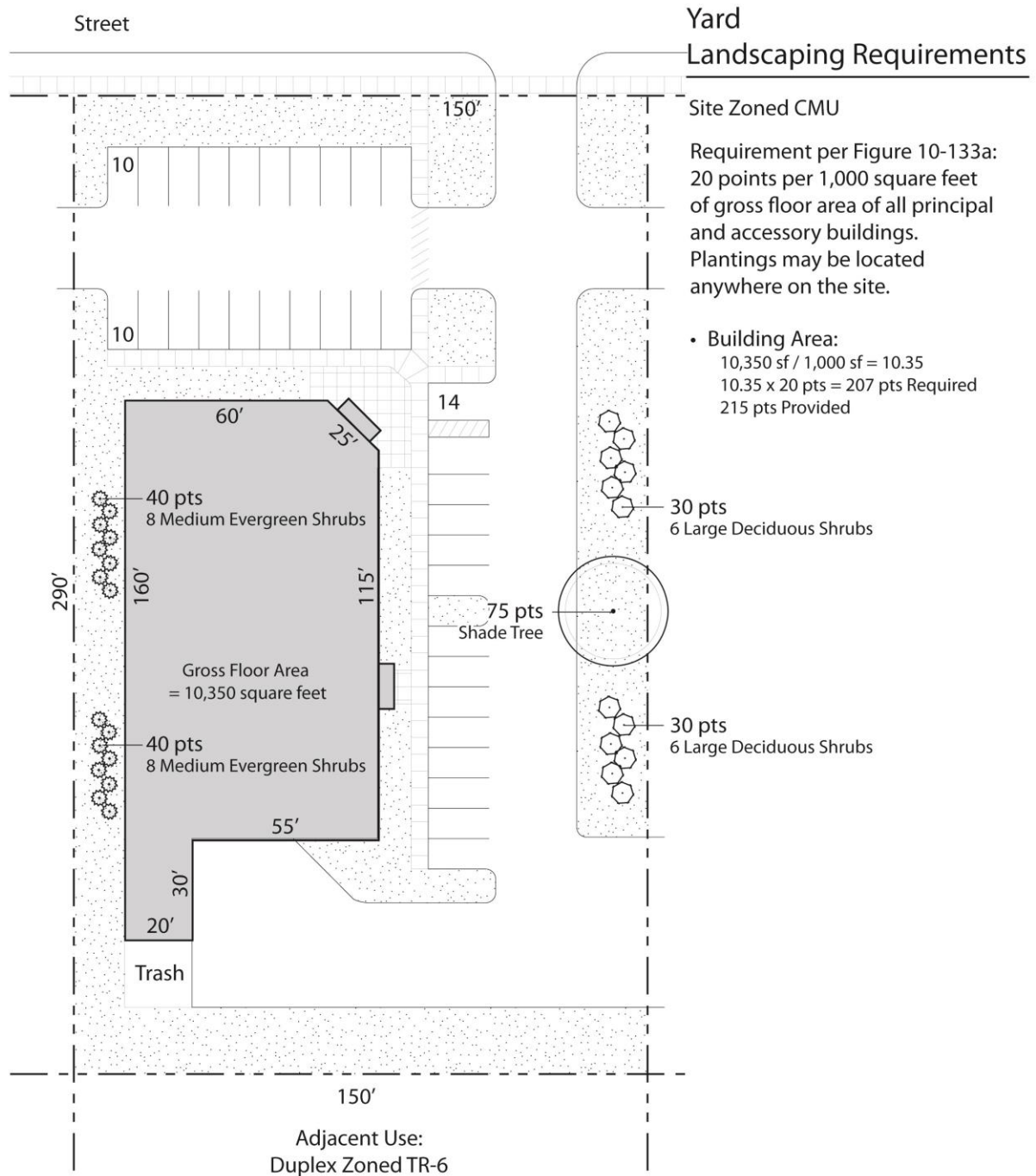
Section 10-137: Sample Landscaping Schemes

Figure 10-137d: Sample Landscaping Schemes – Street Frontage



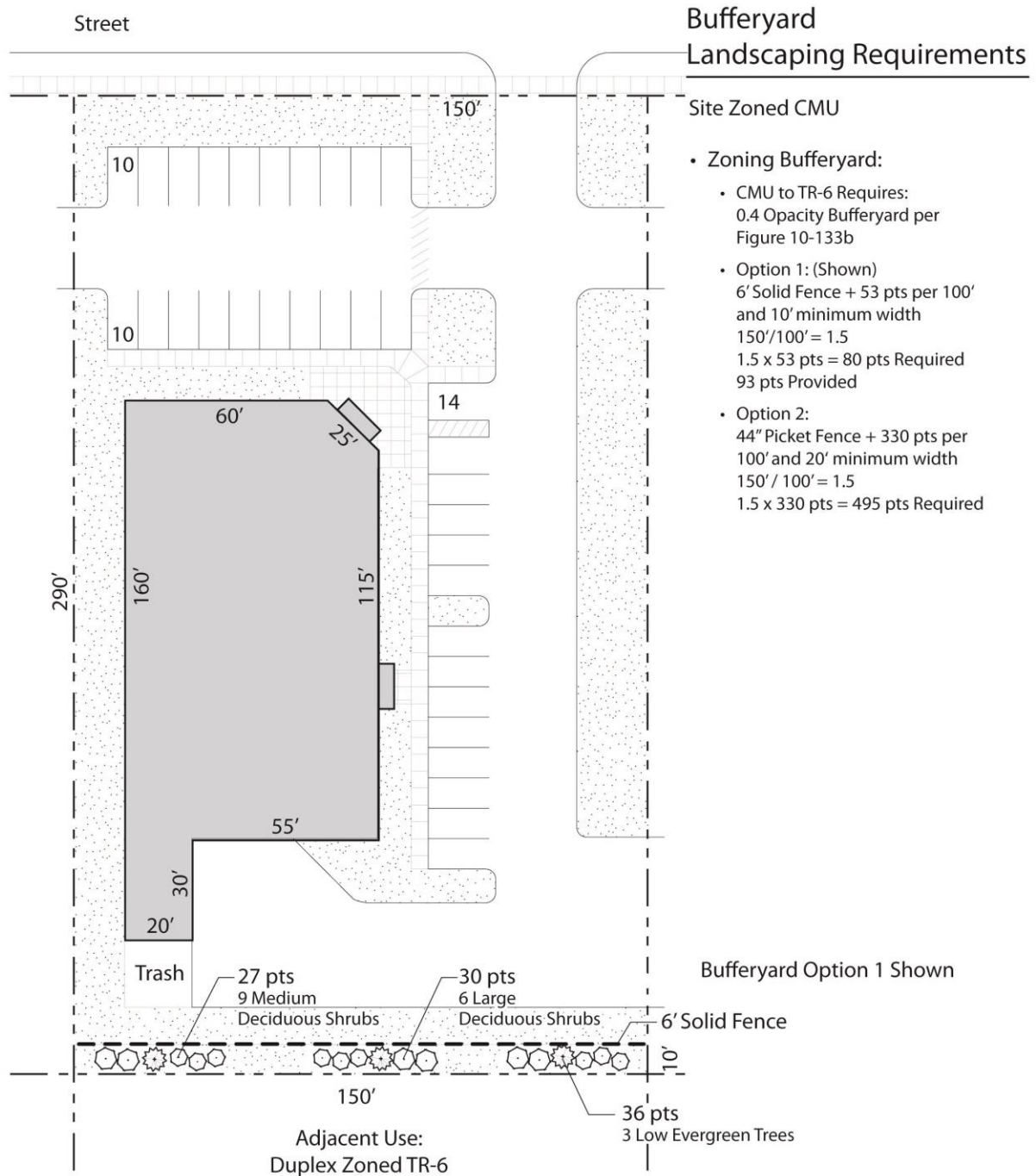
Section 10-137: Sample Landscaping Schemes

Figure 10-137e: Sample Landscaping Schemes – Yard Areas



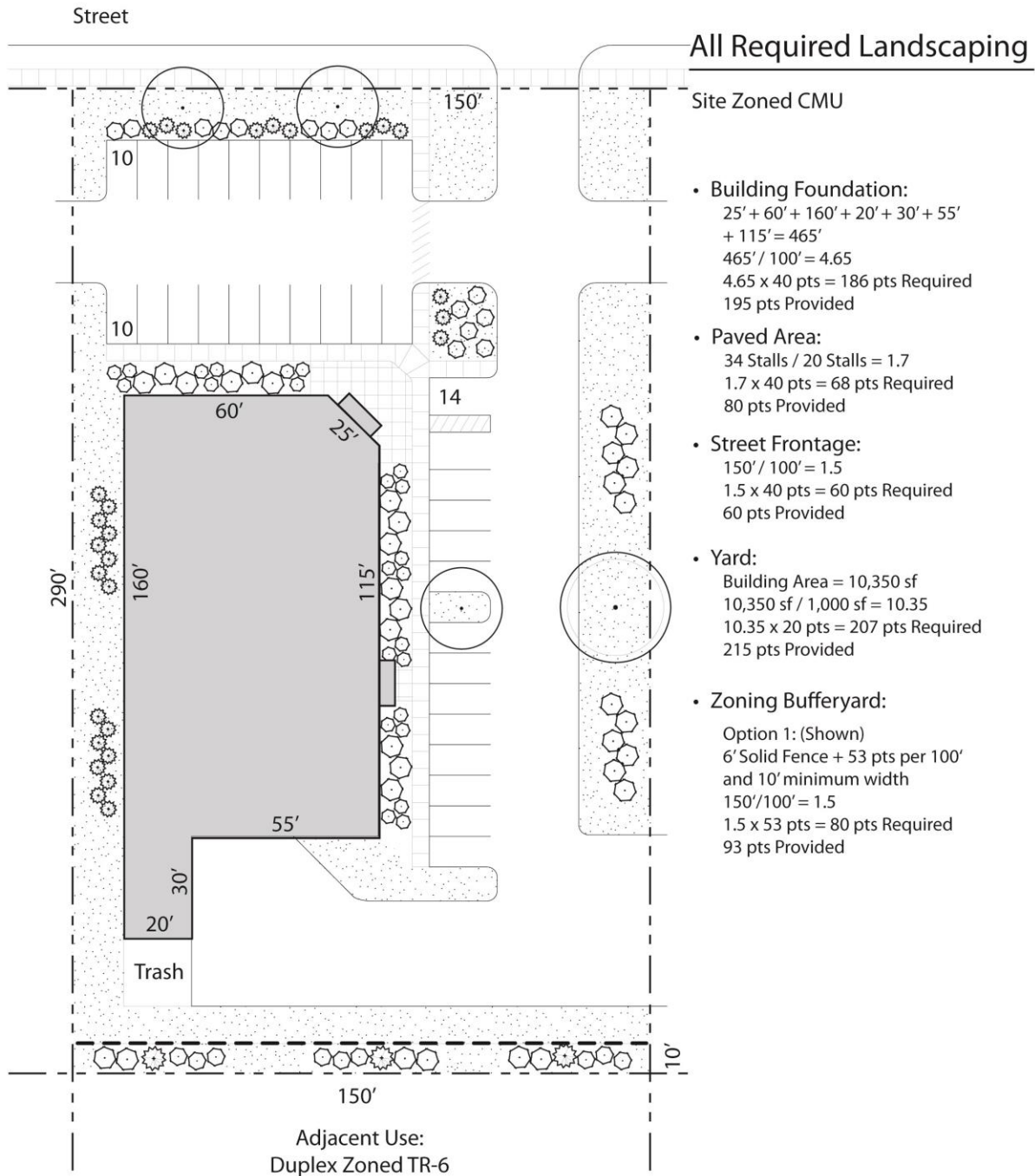
Section 10-137: Sample Landscaping Schemes

Figure 10-137f: Sample Landscaping Schemes – Bufferyards



Section 10-137: Sample Landscaping Schemes

Figure 10-137g: Sample Landscaping Schemes – All Required Landscaping



Sections 10-138 to 10-139: Reserved

Section 10-140: Purpose

ARTICLE IX: SIGNAGE**Section 10-140: Purpose**

- (1) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Shawano. The adoption of this Chapter reflects the formal finding of fact by the City of Shawano Plan Commission and Common Council that regulation of signage advances the following compelling governmental interests:
 - (a) Promote the public welfare, health, and safety of all persons using public thoroughfares and right-of-ways within the City of Shawano in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.
 - (b) Advance the aesthetic goals of the City throughout the community, and to ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.
 - (c) Reduce signage which the City has determined is a cause of unsafe traffic and visibility conditions.
- (2) Furthermore, this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage.
- (3) The penalties of the City of Shawano Municipal Code may be applicable to violations of the provisions of this Chapter.

Section 10-141: Definition of a Sign

- (1) Definition of a sign. In this Chapter, the word “sign” means any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.
- (2) Signs do not include:
 - (a) Any flag or emblem of any nation, organization of nations, state, or city, or any religious, fraternal, or civic organization.
 - (b) Merchandise, pictures, or models of products or services incorporated in a window display.
 - (c) Works of art which in no way identify a product including wall murals.
 - (d) Scoreboards located on athletic fields.
 - (e) Building colors and outline lighting which do not convey a logo or message specific to the use therein (as determined by the Zoning Administrator).
 - (f) Traffic control and other public agency messages located within a right-of-way.

Section 10-142: Definitions and Rules Related to Sign Purposes

Section 10-142: Definitions and Rules Related to Sign Purposes

This section describes the various purposes for signage. Figure 10-144a establishes in which district(s) each sign purpose will be permitted.

- (1) **Advertising Sign, Off-Premise.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. The premises shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership, and under the jurisdiction of this Chapter. Off-premise advertising signs include billboards but do not include community information signs.
- (2) **Auxiliary Sign.** A sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. Examples of such signs include “no trespassing” signs and signs which list prices of gasoline.
 - (a) Auxiliary signs may contain a business logo if the logo is less than one square foot in area.
 - (b) Auxiliary signs listing gasoline prices may list up to one price per type of fuel, which must be displayed on a single structure.
 - (c) With the exception of fuel price signs, the combined area of all auxiliary signs on any lot shall not exceed 50 square feet. Fuel price signs may not exceed 100 square feet per sign.
- (3) **Business Sign, On-Premise.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. The premises shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter.
- (4) **Community Information Sign.** A temporary or permanent sign which is limited to the display of information of interest to the general community regarding scheduled public events, public activities, and public facilities. Community information signs do not include bulletin boards.
 - (a) A monument sign the only allowable configuration for community information signs.
 - (b) The following entities are eligible to have a community information signs: villages, city, state, or federal facilities; school district properties; and properties containing meeting rooms commonly open to public use.
 - (c) Community information signs may be located on private or public property, including rights-of-way, but must meet the visibility requirements of Section 10-103.
 - (d) Only information regarding public events, public facilities, and public information of general interest to residents may be displayed on community information signs.
 - (e) Community information signs may have changeable copy or be configured as a variable message sign.
 - (f) Community information signs shall not exceed 100 square feet or ten feet in height.
 - (g) Community information signs are exempt from the requirements of Figure 10-144b.
 - (h) Community information signs shall not be counted as adding to the area of signage on the property on which it is placed for the purposes of regulating sign area.
- (5) **Directional Sign, On-Premise.** A sign which indicates only the name, logo, or symbol of a specific business destination within a development or lot and a directional arrow or symbol to that destination. The premises shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter.
 - (a) One on-premise directional sign permitted for each vehicular entrance/exit and one parking restrictions/conditions sign for each parking area.
 - (b) On-Premise directional signs shall not exceed eight square feet.

Section 10-142: Definitions and Rules Related to Sign Purposes

- (6) Directional Sign, Off-Premise. A sign which indicates only the name, logo, or symbol of a specific business destination and a directional arrow or symbol to the destination.
- (a) Off-premise directional signs shall not exceed eight square feet.
 - (b) Each lot is permitted two off-premise directional signs.
 - (c) Off-premise directional signs shall not count toward the total permitted number and area of signs on the lot where the sign is located or on the subject property.
- (7) Group or Large Development Sign. A sign displaying the collective name of a group of uses defined as either a group or large development under Section 10-118, and/or the names and/or logos of individual occupants of the group development.
- (a) Each business shall be eligible for integration into a group or large development sign. The allocation of permitted sign area (see Subsection (c)) for the group sign shall be determined by the property owner or designee.
 - (b) Group and large development signs shall be freestanding signs per Section 10-143(1).
 - (c) The permitted sign area for group and large development signs may be double that permitted for a freestanding sign the district in which it is located.
- (8) Temporary Sign. Refer to Section 10-146 of this Chapter.
- (9) Variable Message Sign. A sign which displays words, lines, logos, graphic images, or symbols, which may be changed manually or electronically to provide different information, and which includes computer signs, electronic reader boards with changeable letters, LCD signs and other video display signs, and electronic time and temperature signs. Sign screens where the message or appearance is changed electronically shall be referred to as Electronic Message Centers (EMCs).
- (a) All variable message signs shall comply with the following rules:
 - 1. All variable message signs shall be included in the calculation of total permitted sign area for the type of on-premise sign (on-building or freestanding) and the zoning district in which the sign is located.
 - 2. All variable message signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
 - 3. All variable message signs shall comply with the lighting requirements of section 10-106.
 - 4. All variable message signs shall be maintained so as to be able to display messages in a complete and legible manner.
 - 5. All variable message signs shall be located no less than 100 feet from any parcel within a residential zoning district.
 - 6. No flashing signs. Flashing is defined as a variable message sign, including Electronic Message centers displaying text, images, and/or video, having a display that turns on and off more frequently than in 3-second intervals. Scrolling of a consistently-illuminated and formatted moving text message is not considered flashing.
 - (b) Electronic Message Centers displaying text messages only.
 - 1. Static text messages.
 - a. Static text messages feature stationary letters that may not scroll, flash, or move in any way.
 - b. Static text messages shall be displayed for no less than 3 seconds with a maximum transition duration of 1 second.

Section 10-142: Definitions and Rules Related to Sign Purposes

2. Moving text messages.
 - a. Moving text messages feature letters that scroll or move.
 - b. Moving text messages shall not scroll for longer than 6 seconds with a maximum transition duration of 1 second.
 - c. Moving text messages shall not flash on and off at intervals less than 3 seconds. Scrolling of a consistently-illuminated and formatted moving text message is not considered flashing.
 3. Both static and moving text messages may be displayed by the same Electronic Message Center as long as the requirements of this section apply to each type of message.
 4. Electronic Message Centers displaying text messages only are permitted in all zoning districts.
 5. Design Requirements.
 - a. Electronic Message Centers displaying text messages may not exceed 33% of the sign's total permitted or existing area, whichever is smaller.
 - b. Electronic Message Centers displaying text messages added to existing legal conforming signs must result in a design that is substantially within the height and size of the existing sign frame.
- (c) Electronic Message Centers displaying images and video that may be combined with text.
1. Static images.
 - a. Static images feature images and/or text that do not move in any way.
 - b. Static images shall be displayed for no less than 3 seconds with a maximum transition duration of 1 second.
 - c. Static images may not turn on and off at intervals less than 3 seconds. If the time duration minimums in this subsection are not met, the sign shall be considered flashing per Subsection (9)(a)6.
 2. Full-motion videos.
 - a. Full-motion videos display moving images and/or text.
 - b. Full-motion videos shall not display video clips exceeding 6-second intervals, with a maximum transition duration of 1 second.
 - c. Full-motion videos may not turn on and off or feature breaks in video clips at intervals less than 3 seconds. Video clips must be continuous from a minimum of 3 seconds to a maximum of 6 seconds in length. If the time duration minimums in this subsection are not met, the sign shall be considered flashing per Subsection (9)(a)6.
 3. Both static and full-motion videos may be displayed by the same Electronic Message Center as long as the requirements of this section apply to each type of video.
 4. Electronic Message Centers are permitted to display full motion video in the Community Mixed Use (CMU) and Urban Mixed Use (UMU) zoning districts.
 5. Design requirements.
 - a. All Electronic Message Centers are permitted on freestanding sign configurations only. On-building Electronic Message Centers are prohibited.
 - b. New Electronic Message Centers and Electronic Message Centers replacing all or part of existing legal conforming signs.
-

Section 10-143: Definitions and Rules Related to Sign Configurations

- i. Electronic Message Centers must not exceed 75% of the sign's total existing or permitted area, whichever is smaller.
- ii. Electronic Message Centers added to existing legal conforming signs must result in a design that is substantially within the height and size of the existing sign frame.
- c. Electronic Message Centers replacing all or part of existing legal nonconforming signs within 500 feet from a Connecting Highway (STH 22, 29, Business 29, 47, and 55).
 - i. Any modifications to a sign must bring the entire sign into compliance with the Zoning Code.
 - ii. Electronic Message Centers may be added and must not exceed 75% of the resulting conforming sign's total area.
- d. Electronic Message Centers replacing all or part of existing legal nonconforming signs greater than 500 feet from a Connecting Highway (STH 22, 29, Business 29, 47, and 55).
 - i. An Electronic Message Center, not to exceed 75% of the sign's existing total area, may be added if the resulting design is substantially within the height and size of the existing sign frame.
 - ii. The existing sign area of signs in this location may be replaced without adding an Electronic Message Center so long as the resulting design is substantially within the height and size of the existing sign frame.

Section 10-143: Definitions and Rules Related to Sign Configurations

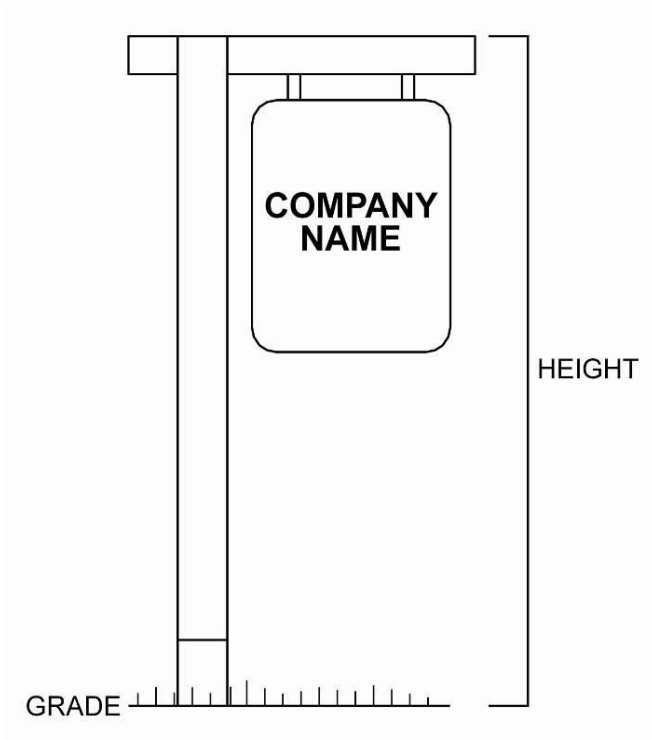
- (1) Freestanding Sign. A sign resting on or supported by means of post, pylons, or any other type of base on the ground. The following freestanding sign configurations are addressed by this Chapter:
 - (a) Arm/Post Sign. A type of small scale freestanding sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.
 - (b) Monument Sign. A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal.
 - (c) Pylon Sign. A type of freestanding sign erected upon one or more pylon, pole, or post, generally of a scale that is larger than an arm/post sign.
 - (d) Rules for all freestanding signs.
 - 1. Freestanding signs shall not be erected so as to impede visibility for safe pedestrian and/or vehicular circulation.
 - 2. The base or support(s) of freestanding signs shall be securely anchored to a concrete base or footing.
 - 3. The footing and related supporting structure of a freestanding sign, including bolts, flanges, and brackets, shall be concealed by landscaping.
- (2) On-building signs. A type of sign permanently affixed to an outside wall of a building. The following on-building sign configurations are addressed by this Chapter:
 - (a) Awning/canopy sign. A sign that is directly affixed via sewing, painting, or similar method to a non-rigid removable awning or canopy which is mounted to the facade of a building.
 - 1. Text and/or logos shall be centered on the vertical face of the lower part of an awning/canopy and shall not project below or above the vertical awning/canopy surface.
 - 2. Text and/or logos on an awning shall be limited to 12 inches vertically and shall not exceed 33 percent of the awning/canopy area.

Section 10-143: Definitions and Rules Related to Sign Configurations

- (b) Marquee Sign. A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building.
 - 1. Marquee signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond the vertical surface of the marquee.
 - 2. No part of a marquee sign shall extend beyond the top, bottom, or side edges of the vertical face of the marquee surface.
 - (c) Projecting Sign. A sign mounted at any angle other than parallel to the wall on which it is mounted and/or extends beyond 18 inches from the wall.
 - 1. Projecting signs shall not project more than 6 feet from the wall on which it is mounted.
 - 2. No portion of a projecting sign shall extend lower than 10 feet above the ground, measured from the grade immediately below the sign.
 - 3. No portion of a projecting sign shall extend higher than 20 feet above the mean center line street grade.
 - 4. No projecting sign shall extend above the top most edge of an exterior wall.
 - (d) Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
 - 1. No portion of a suspended sign shall extend lower than 10 feet above the ground, measured from the grade immediately below the sign.
 - (e) Wall Sign. A sign mounted parallel to and directly on a building facade or other vertical building surface.
 - 1. Wall signs shall not project more than 16 inches beyond the edge of any wall or other surface to which they are mounted.
 - 2. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.
- (3) Moveable Signs. A type of permanent sign that may be moved. The following moveable sign configurations are addressed by this Chapter:
- (a) Advertising Vehicle Sign. A vehicle or trailer parked on a public right-of-way or private property so as to be seen from a public right-of-way, attached to which or located or painted thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles which contain typical business signage and which are actively used for business purposes are not considered advertising vehicle signs. Advertising vehicle signs are prohibited per Section 10-148(g).
 - (b) Mobile/Portable Sign. A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. See Section 10-147 for regulations.
 - (c) Daily Notice Signs. Daily notice signs include freestanding sandwich board signs and on-building menu board signs. See Section 10-147 for regulations.
- (4) Window Sign. A type of sign located within a building that is attached to the inside face of an exterior window and visible from the exterior of the building. See Section 10-147 for regulations.

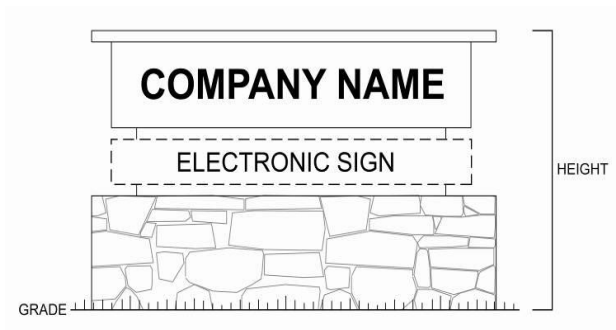
Figure 10-143: Sign Configuration Illustrations and Photo Examples

Arm/Post Sign

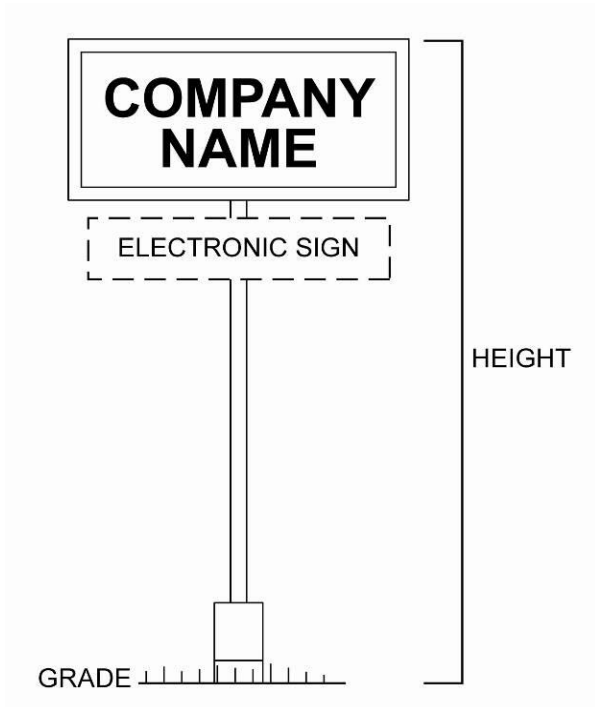


Section 10-143: Definitions and Rules Related to Sign Configurations

Monument Sign

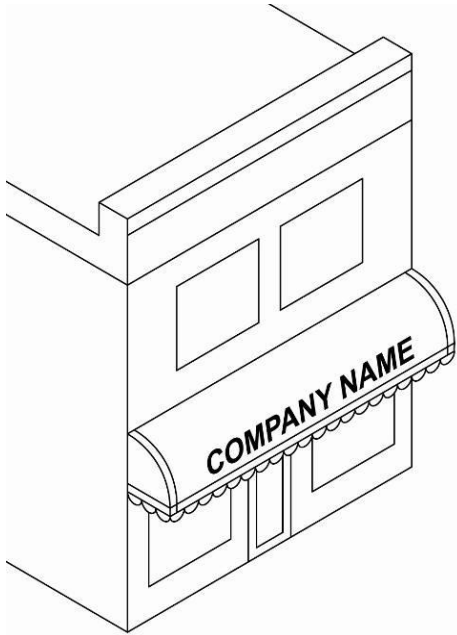


Pylon Sign

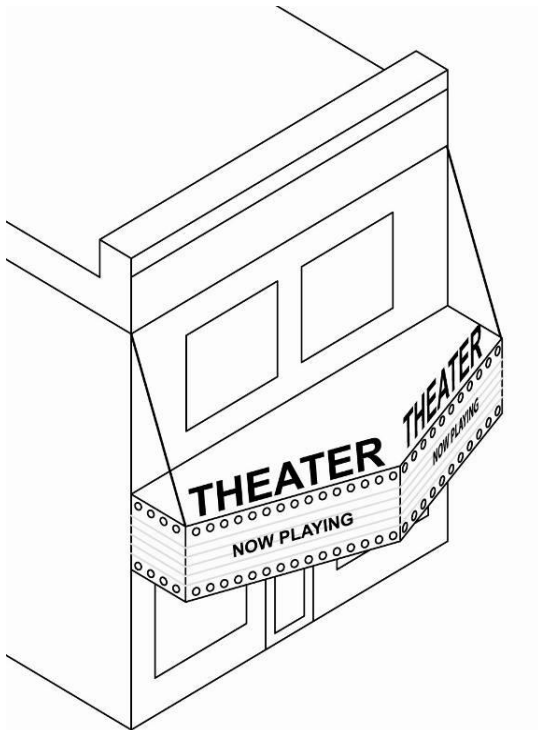


Section 10-143: Definitions and Rules Related to Sign Configurations

Awning/Canopy Sign

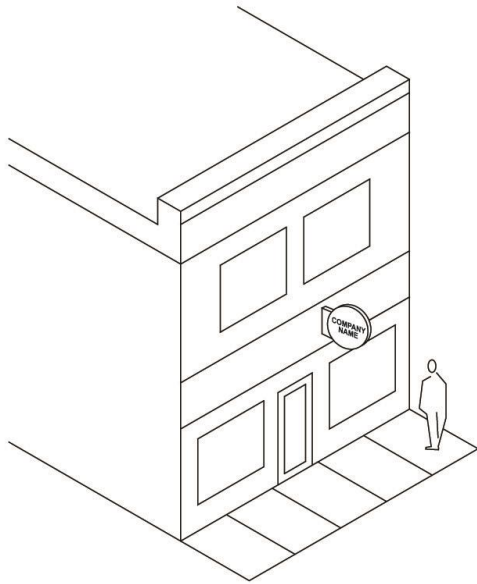


Marquee Sign

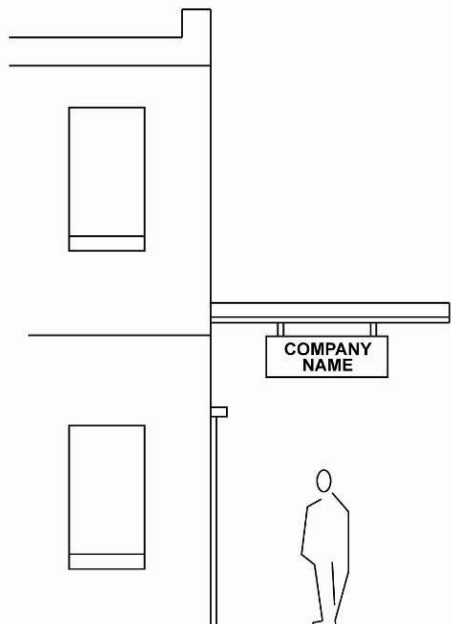


Section 10-143: Definitions and Rules Related to Sign Configurations

Projecting Sign

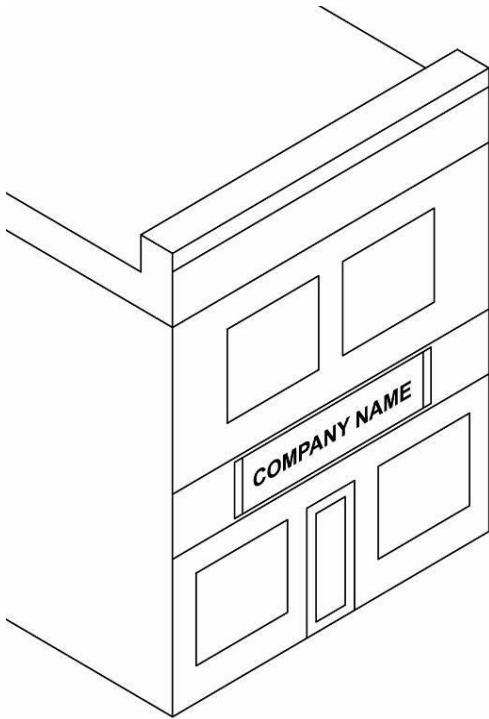


Suspended Sign



Section 10-144: Permitted Signs by Zoning District

Wall Sign



Section 10-144: Permitted Signs by Zoning District

- (1) The purpose and configuration of signs shall be allowed on private property in the City in accordance with Figure 10-144a. If the letter “Y” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.
- (a) Although permitted under Subsection (1) of this section, a sign designated by an “Y” or “P” in Figure 10-144a shall be allowed only if:
1. The sum of the area of all building and freestanding signs on the zoning lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located and with any additional limitations in other applicable sections of this Chapter.
 2. The size, location, and number of signs on the lot conform with the requirements of Table A and Table B, which establish permitted sign dimensions and characteristics by sign type, and with any additional limitations in other applicable sections of this Chapter.
- (b) Signage for all uses in the Planned Development zoning districts shall be permitted per the base zoning district or as modified in the approved Specific Implementation Plan’s signage plan in Section 10-177(d)(1)(g).

Section 10-144: Permitted Signs by Zoning District

- (c) Key to Figure 10-144a and Figure 10-144b. On the tables in this Chapter which are organized by zoning district, the headings have the following meanings:

Abbreviation	Uses and Zoning Districts
SFDs	Residential, single-family detached districts, including SR-2, SR-4, SR-5, and SR-6
MFDs	Residential, duplex and multifamily districts, including TR-6, MR-10, MR-20, and MH-8
INS	All institutional uses in all districts
RH & NMU	Rural and neighborhood districts, including RH-35, NMU and PL
CMU & UMU	Community and urban mixed use districts, including CMU, UMU, and PD
DMU	Downtown mixed use, including DMU
INDs	Industrial and business districts, including BP, LI, GI, and ME

Section 10-144: Permitted Signs by Zoning District

Figure 10-144a: Permitted Signs by Purpose/Configuration and Zoning District

	Zoning Districts						
	SFDs	MFDs	INS ¹	RH & NMU	DMU	CMU & UMU	INDs
Sign Purpose							
• Advertising Sign, Off-Premise	N	N	N	N	N	N	N
• Business Sign, On-Premise	P	P	P	P	P	P	P
• Auxiliary Sign	Y	Y	Y	Y	Y	Y	Y
• Community Information Sign	C	C	C	C	C	C	C
• Directional Sign, Off-Premise	N	N	Y ²	N	N	N	N
• Directional Sign, On-Premise	Y	Y	Y	Y	Y	Y	Y
• Group or Large Development Sign	P	P	Y	Y	Y	Y	Y
• Temporary Sign ³	Y	Y	Y	Y	Y	Y	Y
• Variable Message Sign	C	C	P	P	P	P	P
Sign Configuration – Freestanding							
• Arm/Post Sign	P	P	P	P	P	P	P
• Monument Sign	P	P	P	P	P	P	P
• Pylon Sign	N	N	N	N	N	P	P
Sign Configuration – On-building							
• Awning/Canopy Sign	N	N	P	P	P	P	P
• Marquee Sign ⁴	N	N	P	P	P	P	P
• Projecting Sign ⁴	N	N	P	P	P	P	P
• Suspended Sign ⁴	N	N	P	P	P	P	P
• Wall Sign	P	P	P	P	P	P	P
Sign Configuration – Moveable							
• Daily Notice Sign	N	N	Y	Y	Y	Y	N
• Mobile/Portable Sign	<i>Permitted on a temporary basis as approved by the Zoning Administrator</i>						
• Advertising Vehicle Sign	N	N	N	N	N	N	N
Signs Permitted without a Permit – See Section 10-147							
<p>“Y” = Sign is allowed without prior permit approval. “P” = Sign is allowed only with prior sign permit approval. “C” = Sign is allowed only with prior conditional use permit approval “N” = Sign is not allowed in the zoning districts represented by that column under any circumstances.</p> <p><u>Notes to Figure 10-144a:</u></p> <ol style="list-style-type: none"> 1. This column does not represent a zoning district. It applies to institutional uses as defined in Section 10-57 in all zoning districts. Such uses may include but are not necessarily limited to schools, churches, universities, government facilities, and assisted living facilities. 2. Off-premise directional signs for institutional uses may be located in any zoning district. 3. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises. 4. If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000.00 per occurrence per sign. 5. All illuminated signs shall comply with the lighting requirements of Section 10-106. 							

Section 10-144: Permitted Signs by Zoning District

Figure 10-144b: Permitted Sign Characteristics by Zoning District¹

	Zoning Districts						
	SFDs	MFDs	INS ²	RH & NMU	DMU	CMU & UMU	INDs
Freestanding (permanent)							
Sign Area Calculation	1 square feet per foot of public right-of-way frontage						
Maximum Area of all Freestanding Signs	50 sq ft	100 sq ft	100 sq ft	100 sq ft	100 sq ft	100 sq ft	200 sq ft
Maximum Height – Arm/Post or Monument Sign ³	8 feet	8 feet	8 feet	8 feet	12 feet	12 feet	12 feet
Maximum Height – Pylon Sign ³	---	---	---	---	---	20 feet	20 feet
Number per Lot ⁴	1 per public right-of-way frontage						
On-Building (permanent)							
Maximum Area per Building Facade	1 square foot per linear foot of building frontage ⁵						
Number per Tenant	1 per public right-of-way frontage			2 per public right-of-way frontage; 1 for non-frontage wall with adjacent customer parking of 8 or more spaces			
Sign types not contributing to maximum area or number of signs are listed in Section 10-147.							
Notes to Figure 10-144b:							
1. See Section 10-143 for additional regulations for specific sign types.							
2. This column does not represent a zoning district. It applies to institutional uses as defined in Section 10-57 in all zoning districts. Such uses may include but are not necessarily limited to schools, churches, universities, government facilities, and assisted living facilities.							
3. See Sections 10-143 and 10-153 for sign height measurement.							
4. No lot may have both a group and large development sign and any separate freestanding sign.							
5. Regardless of the length of the building frontage, each tenant with exterior frontage is allowed a minimum of 50 square feet for on-building signage.							

Section 10-145: Sign Setback, Height, Measurement, and Flexibility

Section 10-145: Sign Setback, Height, Measurement, and Flexibility

- (1) Sign Setbacks. All freestanding signs shall meet the yard requirements for the district in which it is located, or be set back a minimum of 5 feet from the front property line, whichever is less.
- (2) Sign Height.
 - (a) The height of a freestanding sign shall be measured from the average ground level adjacent to the sign to the top of the sign, or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher.
 - (b) The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- (3) Minimum Ground Clearance. All pylon signs, projecting, marquee, and canopy/awning signs shall have a minimum clearance of 8 feet from grade to the bottom of the sign and shall not project into any vehicle circulation area, beyond any public street curb line, or beyond any public street pavement edge if no curb is present.
- (4) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:
 - (a) For signs comprised of individual letters and related copy which are attached to a background surface with one or more neutral surface colors, sign area shall be measured as the sum of the smallest rectangle enclosing each letter or related copy. (See Example 1 in Figure 10-145b.)
 - (b) For signs comprised of individual letters and related copy which are attached to a background surface with one or more non-neutral background colors, sign area shall be measured as the sum of the smallest rectangles and right triangles enclosing entire sign message and any and all non-neutral background color areas. (See Example 2 in Figure 10-145b.)
 - (c) For signs comprised of letters and related copy surrounded by one or more sign background colors on a single panel, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. (See Example 3 in Figure 10-145b.)
 - (d) For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. (See Example 4 in Figure 10-145b.)
 - (e) For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
 - (f) In the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign areas per 1-4 above, that can be viewed from any single vantage point (i.e., for a typical freestanding sign which faces two directions, only one face of the sign shall comprise the sign area). Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.
- (5) Flexibility: The City shall allow the following flexibility for signage. Flexibility for either height OR area shall be permitted, but not both.

Section 10-145: Sign Setback, Height, Measurement, and Flexibility

- (a) Height of Freestanding Sign. A sign may exceed the height requirements in Figure 10-144b if for every additional foot of height, the setback increased one foot. The maximum height of the sign shall in no case exceed the maximum wall height of the primary structure.
- (b) Area of Freestanding Sign: A sign may exceed the area requirements in Figure 10-144b if for every additional square foot of area, the setback increased one foot. The maximum area of the freestanding sign shall in no case exceed 150 percent of the permitted area.
- (c) Location of On-Building Signs: Signs may be relocated from one permitted wall to another permitted wall as long as the total sign area does not exceed the maximum sign area permitted for that wall (see Figure 10-145a).
- (d) Area of On-Building Signs: See Subsection (4) for flexibility in measuring sign area.

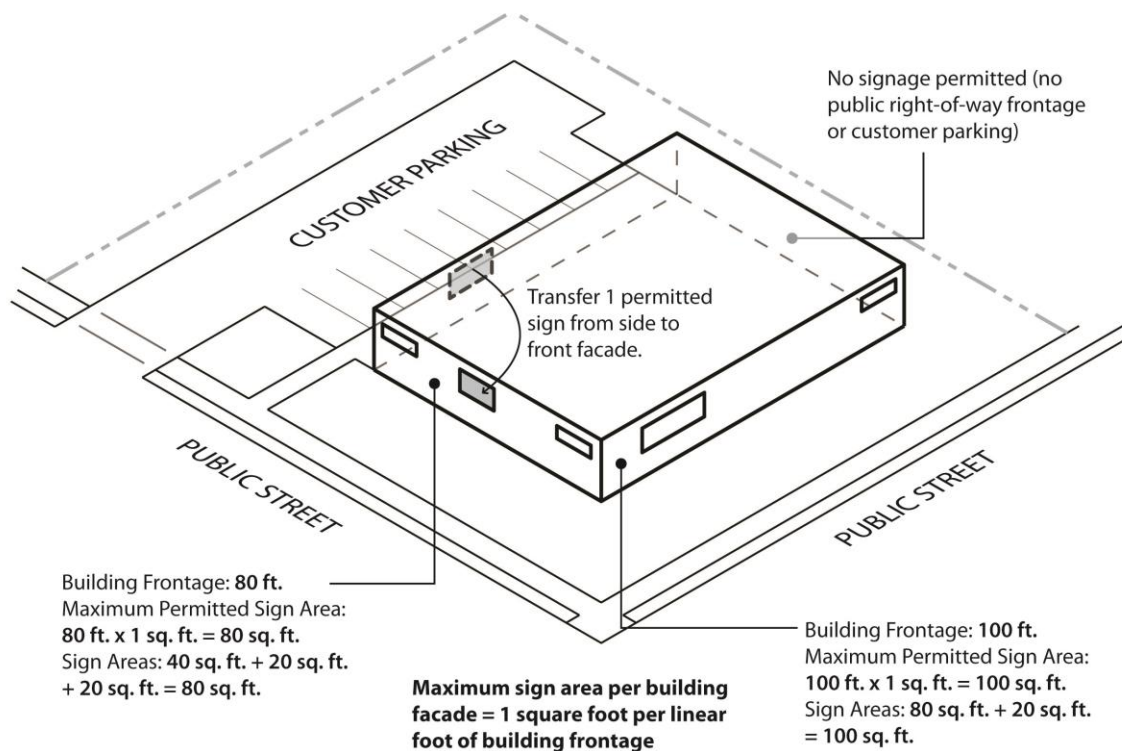


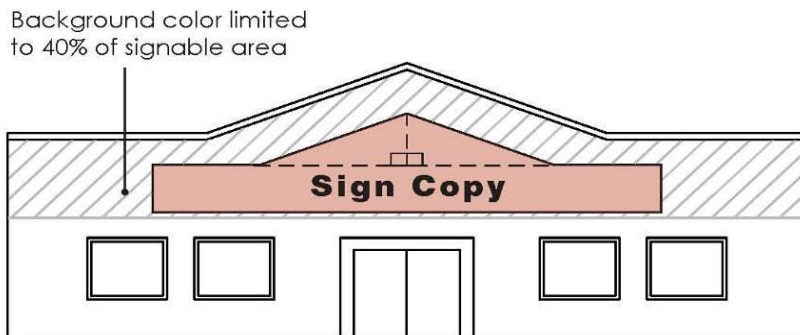
Figure 10-145a: Location of On-Building Signs

Section 10-145: Sign Setback, Height, Measurement, and Flexibility

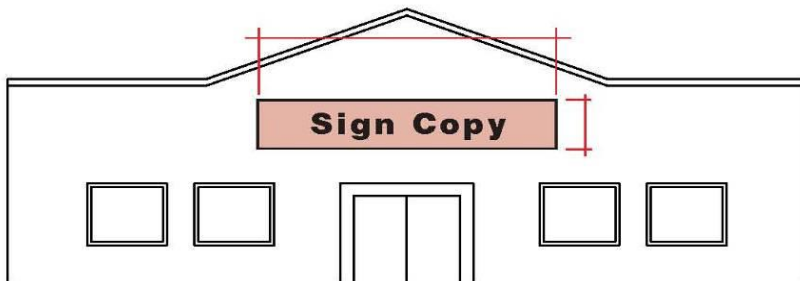
Figure 10-145b: Measurement of Sign Area



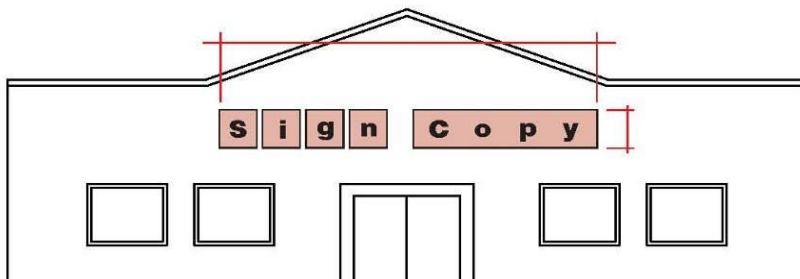
Example 1:
Individual letters on a
neutral surface
Sum of smallest rectangles



Example 2:
Individual letters on a
colored background
Sum of smallest rectangles
and right triangles



Example 3:
Individual letters or words
grouped on one or more
panels
Smallest single rectangle



Example 4:
Individual letters on
separate panels
Smallest single rectangle

Section 10-146: Temporary Signs

Section 10-146: Temporary Signs

- (1) Definition. A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of “temporary signs” are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.
- (2) General Regulations.
 - (a) A sign permit shall not be required for all temporary signs that meet the requirements of this Chapter.
 - (b) Except as may be allowed below, any one business or other user on a lot is permitted to display no more than one temporary sign at a single time.
 - (c) All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety.
 - (d) Except as indicated below or as otherwise approved by the Zoning Administrator, no temporary sign may be placed in or over any public right-of-way.
- (3) Regulations for Specific Temporary Sign Types.
 - (a) Real Estate Signs. Signs used to offer for sale, lease, or rent the property upon which the sign is placed.
 1. One non-illuminated real estate sign is allowed per street frontage.
 2. Such sign shall be removed within 30 days of the sale or lease of the single space it is advertising or of at least 90 percent of the total land or space available for sale or lease on the property.
 3. Such sign shall not exceed 8 square feet area in residential districts and 32 square feet in area in non-residential districts.
 - (b) Construction/Future Tenant Signs.
 1. Two construction/future tenant signs permitted per construction site.
 2. Signs shall not exceed 8 square feet in residential districts and 100 square feet in nonresidential districts.
 3. Such signs shall be confined to the site of construction and shall be removed 30 days after completion of construction prior to occupancy, whichever is sooner.
 - (c) Banners. Banners promoting public events of citywide interest displayed over a public street, alley, or highway when approved by the Zoning Administrator.
 1. Such signs shall not be erected more than 30 days before the event and shall be removed within 5 days after the event.
 2. Such signs shall be erected only in locations approved by the Zoning Administrator.
 - (d) Personal Greeting or Congratulatory Signs. One personal greeting or congratulatory sign or object per premises shall be permitted for up to 7 days, limited to 8 feet in height and 32 square feet in area and which is not intended for commercial purposes.
 - (e) Political Signs. Signs promoting a candidate or position on an issue for an upcoming election must meet the requirements of Section 12.03, Wisconsin Statutes.
 1. Said signs may be erected no earlier than 60 days prior to the primary election and shall be removed within seven days following said general election.

Section 10-147: Signs Not Requiring a Permit (and Not Counting toward Maximum Permitted Sign Area)

2. Each sign shall not exceed 8 square feet in residential districts and 16 square feet in nonresidential districts.
 3. No sign shall be located within 5 feet of the public right-of-way at a street intersection, over the right-of-way, nor on any publicly owned property.
- (f) **Public Event Signs.** For a temporary event of public interest hosted by and/or held at a community organization or institutional facility, such as a fair operated by a nonprofit organization.
1. One such sign may be located upon the site of the event.
 2. A second sign for such a temporary event may be placed on a separate private property with written permission of the property owner submitted to the Zoning Administrator.
 3. Each such sign shall not exceed 32 square feet in area.
 4. The content of such signs shall be limited to the name of the event, location, direction, and/or distance to the event.
 5. Such signs shall not be erected more than 30 days before the event and shall be removed within 5 days after the event.
- (g) **Temporary Commercial Signs and Banners.** Signs advertising sales, limited time offers, grand openings, or other special events including “Open” flags.
1. Such signs not exceeding 32 square feet in area, and not greater than 8 feet in height if ground mounted nor extending above the roof line if building mounted.
 2. Display of such signs shall be limited to 30 days.
- (h) **Mobile/Portable Signs.** A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. Mobile/portable signs shall not be used as permanent signs but are instead considered and regulated as temporary signs. Sandwich boards meeting the definition and requirements of Section 10-147 of this Chapter shall not be considered mobile or portable signs.
1. Display of mobile/portable signs shall be limited to 10 consecutive days and no more than 30 days per calendar year.
 2. One mobile/portable sign is permitted per property.
 3. No sign shall be located within 5 feet of the public right-of-way at a street intersection or in the right-of-way.

Section 10-147: Signs Not Requiring a Permit (and Not Counting toward Maximum Permitted Sign Area)

The following signs are permitted in all zoning districts without the need for a permit. Such signs shall not count toward the maximum permitted sign area in the zoning district in which they are located.

- (1) **Daily Notice Signs.** Daily notice signs include freestanding sandwich board signs and on-building menu board signs. One daily notice sign per customer entrance is permitted. The owner of the customer entrance may select which type of daily notice sign to use: either one sandwich board sign or one menu board sign.
 - (a) Daily notice signs do not count as a business sign for the purpose of regulating the number of business signs or the area of business signs allowed on the property.
 - (b) Rules for Sandwich Board Signs:

Section 10-147: Signs Not Requiring a Permit (and Not Counting toward Maximum Permitted Sign Area)

-
1. Location Requirements for Sandwich Board Signs: A sandwich board may be placed between the side of the building with the customer entrance and the curb, provided that:
 - a. There is not adequate space available on the premises to place the sign in a manner that is visible to the public.
 - b. The sign is placed directly in front of the business to which it is related.
 - c. A minimum of 5 feet in width of unobstructed travel way remains available on the sidewalk at all times.
 - d. Sandwich board signs shall be placed a minimum of one foot (12 inches) from any of the following: doorway, loading zone, crosswalk, curb cut, bike rack, bench or any other public facility or fixture for vehicles or pedestrians.
 - e. Sandwich board signs shall not obstruct access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether such a prohibited obstruction is created by the sandwich board sign shall be the determination of the City.
 - f. Sandwich board signs shall be kept inside the building when the business is closed.
 2. Configuration Requirements for Sandwich Board Signs:
 - a. No portion of a sandwich board sign shall be more than four feet high or more than three feet wide; including any part of its frame or supporting structure.
 - b. Anything attached to a sandwich board sign shall not project beyond the perimeter of the sign face nor project in excess of one inch from the sign face.
 3. Material Requirements for Sandwich Board Signs:
 - a. Sandwich boards may be made of any material.
 - b. Sandwich boards shall be heavy enough to remain stationary in moderate winds.
 4. Illumination Requirements for Sandwich Board Signs:
 - a. Sandwich boards may not be illuminated by any means other than an ambient light source, such as the sun or a street light.
- (c) Rules for Menu Board Signs
1. Location Requirements for Menu Board Signs:
 - a. Menu board signs shall be securely affixed to the exterior wall of the building containing the use.
 2. Configuration Requirements for Menu Board Signs
 - a. Menu board sign surface area and its surrounding frame and structure shall not exceed eight square feet.
 - b. Menu board signs shall not extend more than three inches from the wall on which it is mounted.
 - c. Moving signs such as traveling message boards, electronic message boards and video screens are prohibited.
 - d. Anything attached to a menu board sign shall not project outside the perimeter of the sign face nor project in excess of one inch from the sign face.
 3. Material Requirements for Menu Board Signs
 - a. Menu board signs may be made of any material.
 4. Illumination Requirements for Menu Board Signs:
-

Section 10-147: Signs Not Requiring a Permit (and Not Counting toward Maximum Permitted Sign Area)

-
- a. Menu board signs may not be illuminated by any means other than an ambient light source, such as the sun or a street light.
- (2) Address. Address numerals and other information to identify a location by law, order, rule, or regulation, provided that such sign does not exceed one square foot in area per officially assigned address, or the size required by law, order, rule, or regulation, whichever is greater.
 - (3) Auxiliary Sign. Per Section 10-142(2) of this Chapter, if fewer than 4 square feet in area in residential districts or fewer than 6 square feet in area in nonresidential districts.
 - (4) Bulletin Board. On-premise signs not exceeding 20 square feet listing meetings, services, activities, or events for public, philanthropic, or religious institutions.
 - (5) Commemorative Sign. Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure, not exceeding 4 square feet, denoting the name of that structure or its date of erection.
 - (6) Construction Sign. Per the temporary sign requirements of Section 10-146(3)(b).
 - (7) Flags. Flags and insignia of governmental, civic, philanthropic, religious or educational organizations of less than 50 square feet in area, when not displayed in connection with a commercial promotion or as an advertising device.
 - (8) Garage Sale Sign. Permitted on premise on the day of the sale not to exceed three times in one calendar year. May also be displayed off-premises on the day of the sale only.
 - (9) Government Information Sign. Signs erected by or on behalf of a duly constituted governmental body, including, but not limited to legal notices, handicap parking signs, traffic signs or other regulatory, directional or warning signs.
 - (10) Identification Sign. A sign not exceeding 2 square feet indicating the name and/or address of the property owner, tenant and/or manager of the property.
 - (11) Interior Sign. Signs which are located on the interior of a premise and which are primarily oriented to persons within that premises.
 - (12) Drive-Through Sign. One menu sign for a drive-in or drive-through establishment exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed 25 square feet in area or 8 feet in height.
 - (13) Model Home Sign. Per the temporary sign requirements of Section 10-146(3)(a).
 - (14) "Open" Sign. Illuminated or non-illuminated signs, not exceeding 4 square feet, which advertise a premises as open for business, with no more than one sign per street on which the property has frontage, and not more than two signs in aggregate which are in place only when the related premises are actually open for business.
 - (15) Personal Greeting/Congratulatory Sign. Per the temporary sign requirements of Section 10-146(3)(d).
 - (16) Political/Election Sign. Per the temporary sign requirements of Section 10-146(3)(e).
 - (17) Public Event Sign. Per the temporary sign requirements of Section 10-146(3)(f).
 - (18) Real Estate Sign. Per the temporary sign requirements of Section 10-146(3)(a).
 - (19) Site Information Sign. Signs of no more than 8 square feet which, without including advertising of any kind, provide instructions and/or direction to facilities intended to serve the public, such as rest rooms, public telephones, walkways, parking, and similar facilities.
 - (20) Window Sign. Window signs shall be limited to a maximum area that does not exceed 35 percent of the individual glass area as contained within a mullion or frame. There is no limit in the number of window signs.
-

Section 10-148: Sign Prohibition and Limitations

Section 10-148: Sign Prohibition and Limitations

The regulations contained in this subsection apply to signs in all zoning districts.

- (1) Sign Prohibitions.
 - (a) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse users of streets or highways.
 - (b) No fluttering, undulating, swinging, rotating, or otherwise moving signs.
 - (c) No roof signs shall be permitted. No sign shall be mounted on, displayed on, or extend above the top edge of a roof.
 - (d) No flashing, scrolling, or animated signs shall be permitted. Variable message signs meeting the definition and requirements of Section 10-142(9) of this Chapter shall not be considered flashing, scrolling, or animated signs.
 - (e) No mobile or portable signs shall be permitted except on a temporary basis as regulated under Section 10-146. Sandwich boards meeting the definition and requirements of Section 10-147 of this Chapter shall not be considered mobile or portable signs.
 - (f) No inflatable signs shall be permitted.
 - (g) No advertising vehicle signs shall be permitted.
 - (h) No beacons or search beacons shall be permitted.
 - (i) No billboards or off-premise advertising signs shall be permitted. Existing legal off-premise advertising signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 10-151.
 - (j) No abandoned signs shall be permitted.
- (2) Sign Limitations.
 - (a) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
 - (b) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of Section 10-103.
 - (c) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, public utility pole, public light pole or traffic regulatory structure.
 - (d) Illuminated sign shall be permitted except for within a residential zoning district. All illuminated signs shall comply with the lighting requirements of Section 10-106.
 - (e) Except for permitted projecting, awning, marquee, and sandwich board signs, or as may be specifically authorized in a Specific Implementation Plan in a PD zoning district meeting all of the applicable requirements of this Chapter, or unless otherwise allowed by this Chapter, shall be permitted within or extend into a public right-of-way.

Section 10-149: Sign Permits – Application, Enforcement, and Revocation

- (1) Applicability.
 - (a) Except as otherwise provided in Section 10-147, only those permanent or temporary signs which have been granted a permit from the Zoning Administrator in accordance with the provisions of this section may be erected, installed, constructed, or maintained.

Section 10-149: Sign Permits – Application, Enforcement, and Revocation

- (b) This section shall apply and be construed to require a permit for any conversions or changes in the sign structure. No permit is required for a change of sign copy.
 - (c) This section shall not apply to repainting or refacing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.
 - (d) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs shall conform to the requirements of this Chapter.
 - (e) Any sign permit granted hereunder may not be assigned or transferred to any other sign, including a modified sign structure.
 - (f) The owner or tenant may request all such signs at one premise be included under one permit.
- (2) Sign Permit Application. Each sign permit application shall include:
- (a) The name, address, phone number, and email address of the applicant.
 - (b) The name, address, phone number, and email address of the sign contractor.
 - (c) The property's zoning designation and use of the building for which the sign will provide information.
 - (d) A signage plan, drawn to a recognizable scale, for the property shall be submitted showing the following:
 - 1. Location, type, height, width, and area of the proposed sign.
 - 2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
 - 3. All property lines and buildings on the property and within 50 feet of the proposed sign, except within the DMU district.
 - 4. All parking areas, driveways, and public roads.
 - 5. Method of attachment, structural support, method of illumination, and sign materials.
 - 6. Approximate value of the sign to be installed, including cost of installation.
 - (e) If the sign contractor is not UL listed, the applicant must have an electrical subcontractor to supervise the work and obtain an electrical permit.
 - (f) Payment of the sign permit fee, as established from time to time by the Common Council.
 - (g) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.
 - (h) Any existing or proposed sign on property abutting a State, Federal, or Interstate Highway shall also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.
- (3) Granting and Issuance.
- (a) The Zoning Administrator shall review the application to ensure it is complete per the requirements of Subsection (2), above.
 - (b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Subsection (4), below, and shall, in writing, either approve or deny said sign permit within 10 business days of the acceptance of the complete application and payment of the required fee.

Section 10-149: Sign Permits – Application, Enforcement, and Revocation

- (c) In certain cases, a sign permit may not be granted prior to the approval of a conditional use permit. In such cases, the Zoning Administrator shall review said application for compliance with Subsection (4), below, and shall schedule the item on the appropriate meeting agenda(s) within 10 business days of the acceptance of the complete application and payment of the required fee. Within 10 business days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.
- (d) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.
- (4) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:
 - (a) Whether the sign is compatible with the surroundings.
 - (b) Whether the sign is designed, installed, and maintained to meet the sign user needs, while at the same time promoting general public needs and desires.
 - (c) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (d) Whether the sign, including its size, height, illumination and location, is respectful of reasonable rights of other signs already displayed in the area.
 - (e) Whether the sign is in compliance with all provisions of this Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- (5) Enforcement and Revocation of Sign Permit.
 - (a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Zoning Ordinance violations or the Building Inspector for building or other construction code violations.
 - (b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.
 - (c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.
 - (d) Revocation shall not result in total or partial reimbursement of permit fees paid.
- (6) Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify, or withdraw the notice.
- (7) Removal of Signs in Violation of this Chapter.
 - (a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder and the owner of the property on which the sign is located. Said notification shall indicate that such violation must be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.

Section 10-150: Appearance, Construction and Maintenance of Signage

- (b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.
- (c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.
- (d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

Section 10-150: Appearance, Construction and Maintenance of Signage

- (1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the building code as adopted by the City relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the electrical code as adopted by the City.
- (2) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.
- (3) No sign (except flags) shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.
- (4) All permanent signs and their supporting members shall be constructed of standardized sign materials.
- (5) Sign materials should be compatible with the design of the face of the facade where they are placed and should contribute to the legibility of the sign.
- (6) No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (7) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (8) Every freestanding or on-building sign hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturers name, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- (9) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (10) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- (11) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.

Section 10-151: Nonconforming Signs

Section 10-151: Nonconforming Signs

- (1) Nonconforming Signs.
 - (a) Signs (except off-premise advertising signs) existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter, such as brightness, scrolling, size, height, and location, shall be nonconforming signs.
 - (b) Off-premise advertising signs existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter shall become nonconforming signs on January 1, 2018.

- (2) Continuation of a Nonconforming Sign.
 - (a) Nonconforming signs may be maintained.
 - (b) Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. See Subsection (3)(a), below, for what would constitute an alteration of a sign.
 - (c) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Subsection (3), below.
 - (d) Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

- (3) Alteration and Removal of Nonconforming Signs.
 - (a) Alteration of Nonconforming Signs.
 1. For the purpose of this section, alteration of a sign is considered to be any change to the sign's supporting structure, including the sign frame.
 2. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with similar materials; changing the colors; and messages; changing the sign copy or message; or changing the face of an off-premise advertising sign.
 3. A tenant sign which comprises part of a group development sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group development sign, or any of its parts, into compliance with the provisions of this Chapter.
 4. Nonconforming signs shall be removed: upon losing their nonconforming status pursuant to Section 10-152 Subsection (1)(a); or upon abandonment pursuant to Section 10-152 Subsection (2) below.

Section 10-152: Removal of Sign and Sign Structures where Business is no Longer in Operation

Section 10-152: Removal of Sign and Sign Structures where Business is no Longer in Operation

- (1) A building, structure or premises shall be determined to be vacated based on the following criteria: (1) vacancy, (2) cessation of some or all utilities, or (3) lapse or termination of occupational license. Vacation of a building, structure or premises shall have the following effect:
 - (a) At 90 days, non-conforming signs shall lose their non-conforming status.
 - (b) At 90 days, the owner of the property shall be responsible for removing any commercial sign and/or sign structure associated with the business that is out of operation located on the property; unless the property owner is granted an extension under Subsection (d) below.
 - (c) Signs addressing the sale or leasing of the facility in compliance with Section 10-146 are permitted; however, conversion of an existing sign or sign structure to a sale or leasing sign, where permitted, shall not affect the time provisions of this section. In addition, the owner shall be responsible for restoring the facade of the building, structure or premises to its normal appearance.
 - (d) An extension allowing vacant sign(s) and/or sign structure(s) to remain on the property for an additional six month time period after the original 90 days have lapsed, may be granted under the following conditions:
 1. The property owner must submit an application with the appropriate fee and allow staff to inspect the vacated sign(s) and/or sign structure(s).
 2. Staff must review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
 3. Signs must be properly blanked out and contain no commercial message.
 4. If the sign has been damaged during the vacated period to the point it becomes a safety hazard or blight on the property, staff may have the structure removed.
 5. After the original six month extension, one additional six month extension may be approved by staff for up to one year upon submittal of a new application and fee. Any additional applications for an extension, beyond the first year, must be approved by the Plan Commission.
 6. Owners of non-conforming signs may also apply for an extension however the sign shall not thereafter be reestablished except in full compliance with this chapter.
- (2) Sign structures that have been left vacant, devoid of any message, display a message pertaining to a time, event or purpose that no longer applies, or where the permit holder no longer has any interest in the premises as owner or tenant, any of which for a continuous period of 90 days, shall be deemed abandoned and must be removed by the owner of the sign structure or the City shall proceed to remove such sign structure pursuant to the terms of this sign code if the owner has not been granted an extension.
- (3) If the sign and/or sign structure(s) have not been removed, the City shall send written notification to the property owner of record and/or last known occupant, via certified mail, return receipt requested, indicating that the sign and/or sign structure must be removed or apply for and be granted an extension. If the sign and/or sign structure have not been removed within 30 days after the City sends notice, and an extension has not been granted, the City may have the sign and/ or sign structure removed.
- (4) Any and all costs incurred by the City in the removal of a sign or sign structure pursuant to the provisions of this section, which authorized assessment of the cost, shall constitute a lien against the property upon which the sign or sign structure existed and shall be collected in the same manner as provided elsewhere in the regulations of the City of Shawano.

Section 10-153: Other Definitions

Section 10-153: Other Definitions

- (1) Abandoned sign. Any sign remaining in place which for a period of 90 days or more no longer advertises or identifies an ongoing business, product, service, idea or commercial activity located on the site.
- (2) Advertising. Any writing, painting, display, emblem, drawing, sign or other device designed, used or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea or statement.
- (3) Beacon/search beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
- (4) Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- (5) Building frontage. That building elevation that fronts on a public street.
- (6) Business/tenant frontage. That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.
- (7) Commercial message. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business product, service, idea or commercial activity.
- (8) Copy. Words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.
- (9) Elevation (building). The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.
- (10) External illumination. The lighting of an object from a light source located a distance from the object.
- (11) Facade. See "Elevation."
- (12) Future tenant sign. A temporary sign that identifies the names of future businesses that will occupy a site
- (13) Height of sign. The vertical distance from the base of the sign at average grade to the top of the highest attached component of the sign.
- (14) Inflatable device. An object that is inflated with air or gas.
- (15) Lot. Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.
- (16) Luminaire. A complete unit for the purpose of generating usable and somewhat controllable light that comprises one or more lamps, parts designed to distribute the light, parts used to position and protect the light source, and a means to connect the light source(s) to an electrical supply.
- (17) Maintain. Maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of an off-premise advertising sign.
- (18) Sign area. The entire face of a sign, including the extreme limits of writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 10-145(4).
- (19) Sign face. The area or display surface used for the message.

Section 10-154: Fees

- (20) Three dimensional signs: Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
- (21) Use. Includes all purposes or activities for which the land or buildings are arranged, designed or intended, or for which land or buildings are occupied or maintained. A use may include multiple ownership, tenancy or affiliations and may include accessory, conditional and temporary uses.

Section 10-154: Fees

Fees related to signage shall be determined by the current City fee schedule.

Sections 10-155 to 10-159: Reserved

ARTICLE X: ADMINISTRATION AND PROCEDURES

Section 10-160: 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 conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

Section 10-161: Exempt Activities

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

- (1) Single family and two family residential uses on individual lots in any zoning district (compliance with this Chapter determined as part of building permit issuance).
- (2) Residential accessory buildings (compliance with this Chapter determined as part of building permit issuance).
- (3) A change in use of land or structure from one permitted use to another permitted use involving no physical site changes.
- (4) Official public information street graphics installed by or at the direction of a governmental unit.
- (5) The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right of way.
- (6) 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 sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

Section 10-162: Zoning Administrator

The Zoning Administrator, and/or other designee of the City Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. The Zoning Administrator shall also have the following specific duties and responsibilities:

- (1) Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.
- (2) Receive, review, analyze, and develop written reports on all applications for land use permits, certificates of occupancy, appeals, variances, amendments to this Chapter, or other development matters.
- (3) Serve as an ex-officio nonvoting member of the Plan Commission and the Zoning Board of Appeals.
- (4) Issue land use permits and certificates of occupancy when the requirements of this Chapter have been met, and make and maintain records thereof.
- (5) Along with any authorized agent, issue citations for the enforcement of this Chapter and nuisances under Chapter 11 of the Municipal Code.
- (6) Coordinate official development review processes among government offices to the extent feasible.
- (7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required.

Section 10-163: Development Review Team

- (8) Make interpretations regarding the provisions of this Chapter per Section 10-168.
- (9) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters. The Zoning Administrator shall give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him.

Section 10-163: Development Review Team

- (1) The Development Review Team is comprised of appropriate City Staff that may include the City Administrator, Department of Public Works, the Shawano Fire Department, and such other personnel as determined by the Zoning Administrator.
- (2) Development review is implemented under municipal authority to promote the public health, safety, and welfare. More specifically, development review is intended to enhance the aesthetic environment and ensure that larger development projects are compatible with neighboring properties and existing development elsewhere in the City of Shawano.
- (3) See Figure 10-167 for a summary of the Development Review Team's role in administering this Chapter.

Section 10-164: 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 citizens.
- (2) The Plan Commission and/or designee in the performance of its functions may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.
- (3) Under this Chapter, its functions are primarily 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.

Section 10-165: Common Council

The Common Council, the governing body of the City, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map.

Section 10-166: 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.

- (1) **Membership.** The Board shall consist of 5 members appointed by the mayor subject to confirmation of the Council for terms of 3 years. The members of the Board shall receive no compensation for their services, except they may be authorized repayment of any out-of-pocket expenses necessarily incurred in relation to their assigned duties. Board members shall be removable by the mayor for cause upon written changes and upon public hearing. The mayor shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members provided for in this Subsection. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of conflict of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent

Section 10-167: Review and Approval Required

or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

- (2) Meetings. Meetings of the Board shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and vote of each member upon each question considered. The presence of 4 members shall be necessary to constitute a quorum. Special meetings shall be called by the chairman. No special meeting of the Board of Appeals shall be called to hear any appeal at the request of any appellant unless such appellants shall have each first paid to the finance director an appeal fee as prescribed in Section 10-182.
- (3) Powers. The Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement, administration, or interpretation of this Chapter.
 - (b) Hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass.
 - (c) To authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will 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. The Board may not permit as a variance any use that is not permitted under this Chapter for property in the zoning district where the affected person's land is located.
 - (d) Attach conditions of approval to any action described under this section, in furtherance of the general purpose and intent of this Chapter.
 - (e) 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.
 - (f) The Zoning Board of Appeals shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (4) In exercising the above listed duties and responsibilities, the Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination for which an appeal has been requested.

Section 10-167: Review and Approval Required

Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to 3 common elements:

- (1) Submittal of a complete application, including fee payment and appropriate supplemental information.
- (2) Review by appropriate City staff and/or officials.
- (3) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.

Section 10-168: Public Hearings

- (4) Figure 10-167 summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed procedures are discussed in Sections 10-169 through 10-179 of this Article. Figure 10-167 is provided as a convenience for the Zoning Administrator and general public. Where there are conflicts between the text of this Chapter and Figure 10-167, the text shall prevail.

Figure 10-167: Review and Approval Activities and Bodies

Application Process	City Staff	Dev. Review Team	Plan Commission	Common Council	Zoning Board of Appeals
Zoning Ordinance Amendment (Section 10-169)	RE	RE	PH, RR	RE, A	
Zoning Map Amendment (Section 10-170)	RE	RE	PH, RR	RE, A	
Conditional Use Permit (Section 10-171)	RE	RE	PH, RR	RE, A	
Temporary Use Permit (Section 10-172)	RE, IP				
Land Use Permit (Section 10-173)	RE, IP				
Site Plan (Section 10-174) (3-10 unit res./nonres. Under 50,000 sq ft)	RE, A	RE			
Downtown Mixed Use Design Review	See Section 10-175				
Group and Large Development (Section 10-118) – Regulated as Conditional Use (11-20+ unit res./nonres. 50,000 sq ft and over)	RE	RE	PH, RR	RE, A	
Planned Development (Section 10-177)	RE	RE	PH, RR	RE, A	
Sign Permit (Section 10-149)	RE, IP				
Interpretation (Section 10-178)	RE, A				
Variance (Section 10-176)	RE				RE, PH, A
Appeal (Section 10-179)	RE				RE, PH, A
Violations and Penalties (Section 10-181)	RE, A				
Building Permit	See Chapter 12 of the Municipal Code				

A = Action IP = Issues Permit PH = Public Hearing
 RE = Review and Evaluate RR = Review and Recommend

Section 10-168: Public Hearings

In order that the owners of property involved and other legitimately interested parties may have 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 Council, Plan Commission, or 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 and conditional uses shall be published as a Class 1 notice.
- (3) The notice for Zoning Ordinance amendments and zoning map amendments shall be published as a Class 2 notice.
- (4) The notice of public hearing shall be published in a newspaper of general circulation in the City of Shawano at least one week before the public hearing.

Section 10-169: Zoning Ordinance Amendment

- (5) Notice of the public hearing shall be mailed to all parties-in-interest at least 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 all lands included in the petition and all lands lying within 100 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies.
- (6) Except for hearings required for a zoning change, such request for a hearing shall be presented to the City Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the City fee schedule, payable to the City, to defray the cost of notification and holding of a public hearing.

Section 10-169: Zoning Ordinance 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. Refer also to the requirements of Wisconsin Statutes 62.23(7)(d).
- (2) Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by one of the following 3 methods: an application by any member of the general public; a recommendation by the Plan Commission to the Common Council; or by action of the Common Council.
- (3) Application Requirements. An application to amend the regulations of this Chapter shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
 - (a) The section(s) of the current provisions of this Chapter which are proposed to be amended.
 - (b) The text which is proposed to replace the current text.
 - (c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
 - (d) Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.
- (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 inform him or her of all deficiencies.
 - (b) The Zoning Administrator and Development Review Team shall review the complete application and evaluate whether the proposed amendment:
 1. Advances the purposes of this Chapter as outlined in Section 10-03.
 2. Advances the purposes of the general Article in which the amendment is proposed to be located.
 3. Advances the purposes of the specific Section in which the amendment is proposed to be located.
 4. Is in harmony with the recommendations of the Comprehensive Plan.
 5. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 6. Addresses any of the following factors that may not be addressed in the current zoning text:

Section 10-169: Zoning Ordinance Amendment

- 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.
7. The Zoning Administrator shall prepare a written report addressing items 4(b)1. through 4(b)6., 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.
- (5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 10-168 to consider the request.
- (6) Review and Recommendation by the Plan Commission.
- (a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)2, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 10-168.
- (7) 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, and/or the applicant.
 - (b) 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. 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.
 - (c) If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (8) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Section 10-170: Zoning Map Amendment

Section 10-170: 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 provisions of the Official Zoning Map (rezonings).
- (2) Initiation of Request for Amendment. Proceedings for amendment of the Official Zoning Map may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; or by action of the Common Council.
- (3) Application. An application to amend Official Zoning Map shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
 - (a) A map of the subject property to scale depicting:
 1. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
 2. Names and addresses of the owners of all lands on said map as they appear on the current tax records of the City of Shawano.
 3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 4. All lot dimensions of the subject property.
 5. A graphic scale and north arrow.
 - (b) Legal description of the property.
 - (c) Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
 - (d) Any additional pertinent information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.
- (4) Review by Zoning Administrator.
 - (a) The Zoning Administrator and Development Review Team 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 inform him or her of all deficiencies.
 - (b) 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 10-03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
 2. Is in harmony with the recommendations of the Comprehensive Plan.
 3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 4. 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.

Section 10-170: Zoning Map Amendment

- b. A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
 - 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 4(b)4., 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.
- (5) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 10-168 to consider the request.
- (6) Review and Recommendation by the Plan Commission.
- (a) Within 60 days of the public hearing, the Plan Commission may make a written report to the Common Council and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b)4, above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 10-168.
- (7) 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, and/or applicant.
 - (b) The Common Council may take final action (by ordinance) on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. 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.
 - (c) If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the Official Zoning Map requires a majority vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a $\frac{3}{4}$ vote of all members of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

Section 10-171: Conditional Use Permit Procedures

- (8) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Section 10-171: 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 make impractical the predetermination of permissibility. In these cases, specific standards, regulations, or conditions may be established.
- (3) **Initiation of Request.** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- (4) **Application.** An application for a conditional use permit shall contain the following (digital files should be submitted rather than paper copies whenever possible, if applicable):
- (a) A map of the subject property to scale depicting:
 - 1. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
 - 2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Shawano County.
 - 3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - 4. All lot dimensions of the subject property.
 - 5. A graphic scale and a north arrow.
 - (b) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations.
 - (c) A site plan of the subject property if proposed for development conforming to all requirements of Section 10-174. If the proposed conditional use is a group or large development (per Section 10-118), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required per Section 10-164.
 - (d) Written justification for the proposed conditional use, including evidence that the application is consistent with the Comprehensive Plan.
 - (e) For Group and Large Development, a Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.
- (5) **Review by 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 inform him or her of all deficiencies.
 - (b) The Zoning Administrator may coordinate review with the City's Development Review Team.
 - (c) The Zoning Administrator shall review the complete application and evaluate whether the proposed conditional use:
 - 1. Is in harmony with the recommendations of the Comprehensive Plan.

Section 10-171: Conditional Use Permit Procedures

2. Would 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, either as they now exist or as they may in the future.
 3. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 4. The conditional use 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 agencies serving the subject property.
 5. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (d) The Zoning Administrator shall prepare a written report addressing items (6)(c)1.-5. above, to be forwarded 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 the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (6) Public Hearing. Within 50 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 10-168 to consider the request.
- (7) Review and Recommendation by the Plan Commission.
- (a) Within 60 days after the public hearing, the Plan Commission may make a written report to the Common Council, and/or may state in the minutes its recommendations regarding the application. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (6)(c)1.-5. above.
 - (b) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice per the requirements so Section 10-168.
- (8) Review and Action by Common Council.
- (a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, applicant, and/or from any other source.
 - (b) The Common Council may take final action (by resolution) on the application at the time of its initial meeting or may continue the proceedings at applicant's request. The Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use.
 - (c) If the Common Council wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action.
- (9) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Section 10-171: Conditional Use Permit Procedures

- (10) **Revocation of an Approved Conditional Use.** Upon approval by the Common Council, the applicant must 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 10-174. 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 Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter 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 Common Council, following the procedures outlined in Subsection (9), above.
- (11) **Time Limits on the Development of Conditional Use.** 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 Common Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a certificate of occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Common Council and shall be based upon a showing of acceptable justification (as determined by the Common Council). However, as a condition of approval, the 365 and/or 730 day time limits may be extended for any specific period including no time limit to accommodate phased or multi-stage development.
- (12) **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.
- (13) **Change of Ownership.** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property; however, submittal of a plan of operation may be required prior to the change in ownership.
- (14) **Modification, Alteration, or Expansion.** Modification, alteration, or expansion of any conditional use without approval by the Common Council, shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use approval per Subsection (11), above. A modification, alteration, or expansion which has been approved as part of a prior valid condition use does not require a new conditional use approval.
- (15) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property.
- (16) **Formerly Approved Conditional Uses.** A use now regulated as a conditional use which was approved as a legal 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.
- (17) **Limited Conditional Uses:** A limited conditional use is any development, activity or operation for which a conditional use permit has been approved that is limited to a specific operator or property owner, or to a specific date or event upon which the conditional use permit either expires or is required to be reviewed and reapproved. The Plan Commission may recommend, and the Common Council may designate, any proposed conditional use request as a limited conditional use. The Plan Commission shall specify which of the following characteristics are present that create the need for the limited conditional use:

Section 10-171: Conditional Use Permit Procedures

1. A particular aspect of the specific land use.
 2. A particular aspect of the proposed operation (including, but not limited to, operating hours).
 3. A particular aspect of the proposed location.
 4. A particular aspect of the proposed site design.
 5. A particular aspect of the adjacent property or of the surrounding environs.
 6. Any other reason(s) the Common Council deems specially relevant and material.
- (18) Successor Conditional Uses
- (a) Definition: A successor conditional use is a land use which has been granted a conditional use permit by the City, which is proposed to undergo one or more of the following:
 1. Changing from the specific use originally permitted by the conditional use to another operation of the same use. For example changing from one restaurant to another is permitted; however, changing from a restaurant to a tavern or changing from a drive-through restaurant to a drive-through bank is not permitted even though these uses are in the same broad land use category listed in Section 10-58(7) and Section 10-58(9), respectively.
 2. Only a change in the ownership of the subject property.
 3. Only a change in the ownership of the business or other operator of the land use.
 4. Other changes explicitly identified in a currently valid conditional use permit which are identified as acceptable as a successor conditional use.
 - (b) Purpose: The purpose of these provisions is to create a process which:
 1. Verifies that the proposed change is a valid successor conditional use.
 2. Creates a record that the proposed change is recognized by the City as a successor conditional use.
 3. Clarifies that the same conditions of approval, development and operation continue to apply to a successor conditional use.
 4. Reduces the costs and time needed to approve a successor conditional use;
 - (c) Approval Process: A successor conditional use shall not require the granting of a new conditional use permit by the City. However, prior to operation, a successor conditional use shall require the formal reaffirmation of its status as a valid successor conditional use. This required formal reaffirmation shall be issued in writing by the City Zoning Administrator, or by the designee of the City Zoning Administrator, within ten business days of written notice to the City.
 - (d) Proposed Expansions are Not Eligible: Any physical enlargement of a previously approved conditional use in terms of buildings, structures, activity areas, and/or any expansion of the conditions of operation, beyond the limits of site plans, floor plans and conditions of operation approved through the conditional use process, shall not be eligible for treatment as a successor conditional use, and must seek an amendment to its conditional use permit through the conditional use process.
 - (e) Ineligible Land Uses: The following land uses are not eligible for treatment as a successor conditional use, and shall require approval of a new limited conditional use permit which is specific to both the business owner and to the property owner, per Subsection (f), below:
 1. Intermediate Home Day Care (9-15 children) land uses in residential zoning districts.
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Section 10-172: Temporary Use Permit Procedures

2. Bed and Breakfast land uses in residential zoning districts.

Section 10-172: Temporary Use Permit Procedures

- (1) Purpose. The purpose of this Section is to provide regulations that govern temporary uses. All temporary uses are required to meet the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (2) Review and Approval by the Zoning Administrator. There is no formal application requirement or process for temporary uses. The Zoning Administrator shall determine the application requirements. However, temporary uses have the potential to create undesirable impacts on nearby properties that cannot be determined except on a case-by-case basis. In order to address unforeseen circumstances, the Zoning Administrator may require an applicant to submit materials including:
 - (a) A map of the subject property to scale depicting:
 1. All lands for which the temporary use is proposed and all other lands within 100 feet of the boundaries of the subject property.
 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 written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (c) A site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 10-174.
 - (d) Additional information as may be required by the Zoning Administrator.

Section 10-173: Land Use Permit Review and Approval Procedures

- (1) Purpose. The purpose of this Section is 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) that does not require a site plan. The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A land use 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 land use permit shall be required for any of the following activities:
 - (a) A change in type of use of a structure or land.
 - (b) 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 in a structure or on land.
 - (c) Reestablishment of a nonconforming or conditional use which has not been utilized for one year.
 - (d) Commencement of mining or excavation on a parcel of land.
 - (e) Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land.
 - (f) Alteration of a shore, bank, or floodplain of a stream, lake, pond, or artificial body of water.
- (3) Application. Applications for a land use permit shall contain all of the following, if applicable (digital files should be submitted rather than paper copies whenever possible, if applicable):

Section 10-174: Site Plan Review and Approval Procedures

- (a) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.
 - (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.
 - (c) Address of the subject site.
 - (d) Type of structure.
 - (e) Existing and proposed operation or use of the structure or site.
 - (f) Number of employees.
 - (g) Zoning district within which the subject site lies.
 - (h) Additional information as may be required by the City Engineer or Zoning Administrator.
- (4) **Review and Action by Zoning Administrator.** The Zoning Administrator shall determine the land use permit application requirements. A land use permit shall be granted or denied by the Zoning Administrator in writing within 30 days of the application, 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 Land Use Permits.** The work must begin within one year of approval and be completed within 2 years. 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 10-174: 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 (4)(c) through (i) including redevelopment, expansion, and new development under 50,000 square feet and 3 to 10 unit residential development, except for the following:
- (a) Group and Large Developments.
 - (b) Residential accessory buildings, decks, and landscape features.
 - (c) Fences.
 - (d) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Article X, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- (3) **Pre-Application Conference.** Prior to formal submittal of a site plan application, it is recommended that the applicant 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.
- (4) **Application.** A site plan application may be considered complete if it contains all of the following, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted rather than paper copies whenever possible, if applicable).
- (a) Written description of the intended use describing in reasonable detail the following:

Section 10-174: Site Plan Review and Approval Procedures

1. Existing zoning district(s) and proposed zoning district(s), if different.
 2. Existing and proposed land uses.
 3. Projected number of residents, employees, and/or daily customers.
 4. Proposed number of dwelling units and density.
 5. Demonstration of compliance with the applicable standards and requirements of this Chapter.
 6. Demonstration of compliance with the City's land dedication requirements per Chapter 19 Subdivision and Platting of the Municipal Code.
 7. Demonstration of consistency with the Comprehensive Plan.
 8. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
 9. Fencing materials (Section 10-108).
 10. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (b) A small location map showing the subject property and illustrating its relationship to the nearest street intersection.
- (c) Pre-Development Site Information.
1. Legal description of the subject property.
 2. Existing property lines and setback lines.
 3. Existing structures and paved areas.
 4. Existing right of way lines with bearings and dimensions clearly labeled.
 5. Existing easements and utilities.
 6. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where one foot contours shall be shown.
 7. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, drainageways, woodlands, steep slopes).
- (d) Proposed Post-Development Site Information.
1. Property lines and setback lines.
 2. Location of all proposed structures and use areas, including paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
 3. Proposed right of way lines with bearings and dimensions clearly labeled.
 4. Proposed access points onto public streets and access drives on the subject property.
 5. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
 6. Location of all proposed parking and traffic circulation areas.
 7. Location and configuration of all visibility triangles proposed on the subject property.
 8. Location and dimension of all loading and service areas on the subject property.
 9. Location of all outdoor storage areas and the design of all screening devices.

Section 10-174: Site Plan Review and Approval Procedures

10. Location and type of all stormwater facilities and management approach to be employed.
 11. Location of snow storage areas, except for single family and two family residential.
 12. Proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
 13. Location, type, height, size, and lighting of all signage on the subject property.
 14. In the legend, include the following data for the subject property: lot area, flood area, floor area ratio, impervious surface area, impervious surface ratio, and building heights.
- (e) Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.
 - (f) Grading and Erosion Control Plan. Depicting existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.
 - (g) Elevation Drawings.
 1. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment.
 2. Depict exterior materials, texture, color, and overall appearance.
 3. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).
 - (h) Photometric Plan.
 1. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
 2. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles, and depicting an illumination limit of 0.50 foot candles. The 0.50 foot candle line cannot extend beyond the property line.
 - (i) Operational Plan.
 1. Describe the proposed hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
 2. Procedures for snow removal, except for single and two family residential.
- (5) Review and Approval.
- (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 and inform him or her of all deficiencies.
 - (b) The Zoning Administrator shall coordinate review with the City's Development Review Team.
 - (c) The Zoning Administrator shall review and approve or deny the site plan.

Section 10-175: Downtown Mixed Use Design Review

Section 10-175: Downtown Mixed Use Design Review

- (1) Purpose and scope. The design standards of the Downtown Mixed Use Zoning District are intended to preserve and enhance the aesthetic qualities (historical and visual) of the community and attain a consistent visually pleasing image for the downtown. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.
- (2) Definitions.
 - (a) Cornice: The topmost projecting portion of the entablature, or top portion of a building. This term also refers to any "crowning" projection of a building.
 - (b) Header: A brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.
 - (c) Kickplate: A horizontal area on the facade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.
 - (d) Sign band: A horizontal area on the facade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.
 - (e) Sill: A horizontal, lower member or bottom of a door or window casing.
 - (f) Transom: A horizontal bar of stone, wood or glass across the opening of a door or window.
- (3) Procedure for project review and approval. There are three categories of review: renovation review, design review, and project review. See Figure 10-175 for a summary of the processes.
 - (a) Renovation Review. Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, are considered a renovation review and may proceed with the project; no additional processes are required.
 - (b) Design Review. Applications which involve a change only in the appearance of a nonresidential property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are considered design review and are subject to review and approval by the Zoning Administrator.
 1. Procedure. Design review proposals shall follow the procedures for site plan review; refer to Section 10-174.
 2. Application requirements. In addition to the application requirements for site plan review, all applications for design review shall be made to the Zoning Administrator and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:
 - a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

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- b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
 - d. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the standards of the Downtown Mixed Use Zoning District, Section 10-37(8).
- (c) Project Review. Applications which involve modification to the physical configuration of a property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to project review by the Zoning Administrator and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the comprehensive plan.
- 1. Procedure. Project review proposals shall follow procedures for conditional use permits; refer to Section 10-171.
 - 2. Application requirements. In addition to the application requirements for conditional use permits, all applications for project review shall be made to the Zoning Administrator and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:
 - a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information:
 - i. A title block indicating name and address of the current property owner, developer and project consultants.
 - ii. The date of the original plan and the latest date of revision to the plan.

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- iii. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
 - iv. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
 - v. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
 - vi. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
 - vii. All required building setback lines.
 - viii. A legal description of the subject property.
 - ix. The location, type and size of all signage on the site.
 - x. The location, type and orientation of all exterior lighting on the subject property.
 - xi. The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas.
 - xii. The location of all outdoor storage areas.
 - xiii. The location and type of any protected green space areas.
 - xiv. The location of existing and proposed drainage facilities.
 - xv. In the legend, the following data for the subject property: lot area, floor area, floor area ratio, impervious surface area, impervious surface ratio, and building height.
 - d. A detailed landscaping plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Article VIII.
 - e. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
 - f. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the standards of the Downtown Mixed Use Zoning District, Section 10-37(8).
- (4) Additional recommendations permitted under the design review process.
- (a) The Zoning Administrator is hereby authorized to make recommendations for a proposed application for renovation review, design review, or project review.
 - (b) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for site design aspects for project review.
- (5) Appeals. Appeals from the decisions of the Zoning Administrator may be made per the provisions of the Municipal Code and State Statutes.
- (6) Penalty. Penalty for violation of the provisions of this chapter shall be per the provisions of Section 10-181.

Section 10-176: Variances

(7) **Figure 10-175: Process for Proposal Review within the Downtown Mixed Use Zoning District**

Procedure	Type of Proposal		
	Renovation ¹	Design ²	Project ³
1. Meeting with Zoning Administrator to confirm type of proposal	Yes	Yes	Yes
2. Submit Site Plan Application	No	Yes	No
3. Submit Conditional Use Permit Application	No	No	Yes
4. Review and action by Zoning Administrator	No	Yes	Yes
5. Review and action by Plan Commission	No	No	Yes

KEY: Yes: Step is required. No: Step is not required.

¹Only a replacement to or maintenance of the exterior of a property.

²Only a change in the appearance of a property.

³Modification to the physical configuration of a property.

Section 10-176: 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 Wisconsin Statutes 62.23(7)(e)(7).
- (2) 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) or their authorized agent of the subject property.
- (3) Application. Variance applications shall contain the following (digital files should be submitted rather than paper copies 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.
 2. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Shawano County.
 3. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 4. All lot dimensions of the subject property.
 5. 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 any and all the requirements of Section 10-174.
 - (c) Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.
- (4) Review by the Zoning Administrator.

Section 10-176: Variances

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- (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 inform him or her of all deficiencies.
 - (b) The Zoning Administrator shall review the application and prepare a written report including the following:
 1. Evaluate whether the request is in harmony with the recommendations of the Comprehensive Plan.
 2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review.
 - (5) Public Hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 10-168 to consider the request.
 - (6) Review and Action by the Zoning Board of Appeals.
 - (a) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per 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, a 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.
 - (b) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.
 - (c) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
 - (7) Effect of Denial. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
 - (8) 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.
 - (9) Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.
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Section 10-177: Planned Developments

Section 10-177: Planned Developments

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval, or denial, or 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;
 - (b) A recommendation of the Plan Commission to the Common Council; or
 - (c) By action of the Common Council.
- (3) Procedure for Planned Development Approval. The procedure for zoning to a Planned Development (PD) district shall follow the Zoning Map Amendment procedure included in Section 10-170, 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 may decide to prepare an optional conceptual plan for review by the Plan Commission.
 1. At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan, or other items as determined by the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. 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 (3), below).
 2. The concept plan submittal shall include the following items (digital files should be submitted rather than paper copies whenever possible).
 - a. A location map of the subject property and its vicinity.
 - b. A general written description of the proposed PD, 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, landscaping surface ratio, and/or other appropriate measures of density and intensity.
 - iv. General treatment of natural features.
 - v. Relationship to nearby properties and public streets.
 - vi. Relationship of the project to the Comprehensive Plan.

Section 10-177: Planned Developments

- vii. Description of potentially requested exceptions 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 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.
 - d. The Plan Commission shall accept the concept plan and inform the applicant to move on to the next step in the PD process, General Development Plan.
- (c) General Development Plan Review. Upon acceptance of the Concept Plan by the Plan Commission, 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 may be placed on the Plan Commission agenda for review. The GDP establishes the zoning for the property.
- 1. The GDP submittal shall include the following items(digital files should be submitted rather than paper copies 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. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
 - iii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) that maintains that control.
 - iv. 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.
 - iii. General site grading plan showing preliminary road grades.
 - iv. Basic storm drainage pattern, including proposed on-site stormwater detention.
 - v. Preliminary sanitary sewer and water system layout.
 - vi. General location of recreational and open space areas, including designation of any such areas to be classified as common 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.

Section 10-177: Planned Developments

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- 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.
 - 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 are proposed to vary from City standards or common practices.
 - f. General outline of property owners 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, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
 - iv. General treatment of natural features.
 - v. General relationship to nearby properties and public streets.
 - vi. General relationship of the project to the Comprehensive Plan.
 - vii. Proposed exceptions from the requirements of this Chapter.
 - h. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.
2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
 3. The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 10-170.
 4. All portions of an approved GDP not initiated through granting of a building permit within 10 years of final Common Council approval shall expire and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the GDP shall retain the GDP status.
 5. Within 12 months of GDP approval the applicant shall submit a Specific Implementation Plan.
- (d) Specific Implementation Plan. Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP may be placed on the Plan Commission agenda for SIP review.
1. The SIP submittal shall include the following items. Note that the area included in an SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted rather than paper copies whenever possible).
 - a. An existing conditions map of the subject site depicting the following:

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- 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. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds.
 - iii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.
 - iv. Existing utilities and recorded easements.
 - v. All lot dimensions of the subject site.
 - vi. A graphic scale and a north arrow.
- b. An SIP 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 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.
- e. Architectural plans for any nonresidential buildings, multifamily structures, or building clusters, other than conventional single-family homes or 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.
- g. Signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from City standards or common practices.
- h. Specific written description of the proposed SIP 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.

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- 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 SIP and the location(s) in which such exceptions would occur. The applicant may also provide a list of zoning standards that would be more than met by the proposed PD and the location(s) of such occurrences.
 - ix. 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 SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.
 - k. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
- 2. The Zoning Administrator, or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
 - 3. The process for review and approval of the SIP shall be identical to that for site plans per Section 10-174.
 - 4. All portions of an approved SIP not fully developed within 10 years of final Common Council approval shall expire, and no additional Planned Development-based activity shall be permitted. The Common Council may allow multiple extensions via a majority vote following a public hearing. Completed portions of the SIP shall retain the SIP status.
- (e) Criteria for Approval: In its review and action an application for a Planned Development district, the Plan Commission and, subsequently, the Common Council shall make findings with respect to the following criteria:
- 1. The proposed Planned Development project is consistent with the overall purpose and intent of this Chapter.
 - 2. The proposed Planned Development project is consistent with the City's Comprehensive Plan (it is the responsibility of the City to determine such consistency).
 - 3. The proposed Planned Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
 - 4. 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.
 - 5. The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
 - 6. The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.

Section 10-178: Interpretations

7. The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
 8. The proposed Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
 9. 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 or variation of any normal standard of this Chapter.
 10. For Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.
- (f) Changes or Alterations. Any change of the PD plans subsequent to approval of the PD-SIP shall be submitted to the Zoning Administrator. If the Zoning Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the PD-SIP, and if necessary, the PD-GDP, following the procedures set forth in this section for review and approvals. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, 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.

Section 10-178: Interpretations

- (1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following four methods: an application of the owner(s) of the subject property; a recommendation of the Plan Commission to the Common Council; by action of the Common Council; or by request of the Zoning Administrator.
- (3) Application. A zoning interpretation application contains all of the following:
 - (a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
 - (b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required (digital files should be submitted rather than paper copies whenever possible):
 1. A map of the subject property depicting:
 - a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.
 - b. Names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Shawano County.
 - c. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
 - d. All lot dimensions of the subject property.
 - e. A graphic scale and a north arrow.

Section 10-178: Interpretations

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2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
 3. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 10-174.
- (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
 2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
- (4) Review by 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 inform him or her of all deficiencies.
 - (b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the recommendations of City's Comprehensive Plan.
 - (c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. 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.
- (5) Standards for Review. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:
- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.)
 - (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

Section 10-178: Interpretations

- (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.
- (d) This Chapter has been carefully designed by the Common Council to combine maximum achievement of public goals, and the protection of abutting property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Common Council.
- (e) In addition to the applicant's response to the questions required by Subsection (d), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
 2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Article II).
 3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).
 4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).
 5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 10-171.

Section 10-179: Appeals of Zoning Interpretations

- (6) Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.
- (7) Limitations on Favorable Land Use Interpretation.
 - (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 - (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation 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.

Section 10-179: 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 10-168 as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (2) Initiation of Request for Appeal. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.
- (3) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken to the Zoning Board of Appeals determines that, by reason of facts state in the certificate, a stay would cause immediate peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the Zoning Administrator and on due cause shown.
- (4) Time Limit for Filing an Appeal. Any appeal under the provisions of this Section shall be made per the requirements of Subsection (d), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (5) Application Requirements. An application of an appeal of a zoning interpretation shall contain the following (digital files should be submitted rather than paper copies whenever possible):
 - (a) A copy of pertinent items in the file on the matter at hand as identified by the Zoning Administrator and/or the applicant.
 - (b) A written statement from the applicant indicating the reasons why an appeal is justified. This statement shall be dated and signed by the applicant.
- (6) Review by the Zoning Administrator.

Section 10-179: Appeals of Zoning Interpretations

- (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 inform him or her of all deficiencies.
 - (b) 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. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Comprehensive Plan.
 - (c) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (7) Public Hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 10-168 to consider the request.
- (8) Review and Action by the Zoning Board of Appeals.
- (a) Within 60 days after the filing of the complete application, the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
 - (b) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- (9) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (10) Limited Effect on a Favorable Ruling on an Appeal.
- (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 - (b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be 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 particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

Section 10-180: Process to Establish Campus Development Zoning

Section 10-180: Process to Establish Campus Development Zoning

- (1) The following shall govern the procedure and requirements for the review and approval, or denial, of proposed campus developments. The Campus Development zoning district is intended to recognize the presence and importance of large-scale governmental, office, educational, medical, and research and development facilities in the City, to facilitate their development, and to coordinate their futures with those of their neighbors and the community as a whole. The Common Council's approval of the requested Campus Master Plan (CMP) or Campus Development zoning district shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed CMP or Campus Development zoning district. The procedure to rezone to a Campus Development district shall follow the Zoning Map Amendment procedure included in Section 10-170, except that the Campus Development district procedure shall be subject to the following additional requirements.
 - (a) Step 1: Campus Master Plan Preparation.
 1. The Applicant shall prepare a draft Campus Master Plan (CMP) based on the requirements in Section (5) below.
 - (b) Step 2: Zoning Administrator and Development Review Team Review.
 1. The Applicant shall provide the Zoning Administrator with a draft CMP for a determination of completeness prior to placing the proposed Campus on the Plan Commission agenda for review.
 2. The Zoning Administrator shall notify the Applicant of the determination of completeness within 5 business days of receiving it.
 3. The Zoning Administrator shall coordinate review with the City's Development Review Team (DRT). The DRT may make a recommendation to the Plan Commission.
 4. Following his/her review, the Zoning Administrator shall publish a Class 2 notice for a public hearing and place the item on an upcoming Plan Commission agenda.
 - (c) Step 3: Plan Commission Review.
 1. The Plan Commission shall review the draft CMP and make a recommendation to the Common Council within 60 days after referral to the Commission. This deadline may be extended as requested by the applicant.
 2. The Plan Commission shall follow the Zoning Map Amendment procedure per Section 10-170.
 3. The Plan Commission may specify other plans, documents, or information that must be submitted prior to consideration or approval of the CMP, as such may be relevant to review.
 - (d) Step 4: Common Council Review and Action.
 1. The Common Council shall follow the Zoning Map Amendment procedure per Section 10-170.
 2. The Common Council shall take action on the CMP and rezoning to the Campus Development zoning district within 60 days of Plan Commission recommendation. This deadline may be extended as requested by the applicant.
- (2) After CMP Adoption: Campus Master Plan Implementation.
 - (a) Following Common Council approval of the CMP and rezoning to the Campus Development zoning district, the implementation process will vary based on the particular land use.

Section 10-180: Process to Establish Campus Development Zoning

1. Minor Site Work and Signage Consistent with the CMP: Staff-level review and approval following the requirements for site plan approval per Section 10-174.
 2. Permitted Land Uses Consistent with the CMP: Staff-level review and approval following the requirements for site plan approval per Section 10-174.
 3. Conditional Land Uses: Following the requirements for conditional uses per Section 10-171.
- (b) Campus Master Plan Update: CMPs shall be updated every 5 years following the steps for approval of the original Plan as outlined in this Section. If there is no change to the Plan after 5 years, the Plan update may be approved by the Plan Commission without holding a public hearing.
- (c) A Campus Master Plan may be amended at any time following the procedures set forth in the approval of the original plan as outlined in this Section.
- (3) Development in the Absence or Expiration of a Campus Master Plan: In the absence of an approved CMP, or within an expired CMP, any development within the Campus Development zoning district shall be regulated as a conditional use.
- (4) In addition to the notification requirements for a conditional use permit, all property owners within the Campus Development zoning district shall be notified of a conditional use permit application within the same district.
- (5) Campus Master Plan Requirements.
- (a) Property owners within the Campus Development zoning district may produce a CMP, and apply for its review and consideration by the City. CMPs approved by the City are intended to establish the fully legal zoning status of existing development and land uses and to simplify the review of new development and land uses within a campus. The required components of a CMP shall include (digital files should be submitted rather than paper copies whenever possible):
1. A Campus Existing Conditions and Proposed Plan Graphic which shall be provided in hard copy and digital format and include the following:
 - a. A common measurable scale. Said scale shall be provided as a bar scale on the face of the graphic.
 - b. Boundary of the campus, clearly divided into a Central Campus Area and a Peripheral Campus Area. The boundary between the Central Campus Area and the Peripheral Campus Area may vary from parcel lines.
 - c. Existing structures, paved areas, stormwater management facilities, rights-of-way, and other significant exterior development features identified by the City depicted on a map and identified in a numbered key. A clearly labeled and latest available air photo may be used to meet this requirement.
 - d. Proposed structures and permitted and conditional uses per Section 10-44, paved areas, stormwater management facilities, rights of way, and other significant exterior development features identified by the City depicted on the map and identified in a numbered key.
 2. A Campus Existing Development Inventory, in tabular format, which shall provide the following details about the existing development depicted on the Campus Existing Conditions Graphic:
 - a. Index number for each structure and facility depicted on the graphic.
 - b. Name of each structure and facility.

Section 10-180: Process to Establish Campus Development Zoning

- c. Footprint area for each structure.
 - d. Gross floor area for each structure.
 - e. Surface area for each facility.
 - f. Listing of land uses (based on Section 10-44) for each structure and facility.
 - g. Parking space count for each parking lot and on-street parking area.
 - h. Capacity for each stormwater basin.
 - i. Maximum height and number of floors for each structure.
 - j. Setbacks of each structure and paved area from property lines which do not meet the setback requirements of the current zoning district.
 - k. Other existing conditions identified by the City specific to each campus.
3. Campus Plan Development Inventory, in tabular format, which shall provide the following details about the proposed development depicted on the Campus Plan Graphic, in addition to the details of existing development proposed to remain:
 - a. a. through k. in Subsection 2., above, for all existing development proposed to remain.
 - b. a. through k. in Subsection 2, above, for all proposed development.
 - c. An evaluation of the surplus or deficit of parking spaces for each proposed structure or facility, and for the campus as a whole.
 - d. An evaluation of the surplus or deficit of stormwater management facilities for each proposed structure or facility, and for the campus as a whole.
 4. A Transportation Demand Management (TDM) Plan meeting Wisconsin Department of Transportation requirements for content and format may be required by the City if deemed necessary by the City Engineer.
 5. Parking requirements for existing, modified, expanded and new land uses and facilities may be reduced below those required in Section 10-104 if the Campus Master Plan contains an optional Master Parking Study with an approved Campus Parking Ratio. The Master Parking Study shall include the following:
 - a. A complete inventory of off-street and on-street parking spaces within the campus;
 - b. Documentation of the number and location of typical unused on-street and off-street parking spaces at the time of maximum daily peak parking demand; and
 - c. The current ratio of such peak parking demand in the Campus Existing Conditions Graphic to:
 - i. The number of employees at same time; and
 - ii. Gross Floor Area for current development;
 - iii. or method of establishing a measureable, accurate and reasonable ratio as approved by the City.
 - d. Identification of a required ratio of peak parking demand for future development in the Campus Plan Graphic.
 - e. Any significant land use changes within the campus may require an updated Master Parking Study as determined by the City.

Section 10-181: Violations and Penalties

6. Exterior signage for existing, modified, expanded, and new land uses and facilities may be increased in number, area, and/or configuration above those permitted in Article IX if the Campus Master Plan contains an optional Master Signage Plan with approved alternative campus signage regulations. The Master Signage Plan shall include:
 - a. A complete inventory of all existing and proposed exterior signage within the campus. All existing exterior signage shall be designated legal conforming.
 - b. Signage rules specific to the campus which regulate:
 - i. The maximum number of freestanding signs permitted for each building or parcel within the campus.
 - ii. The maximum area of freestanding signs used within the campus in relation to a specific street frontage ratio and the absolute maximum sign area, height limits and location requirements for individual freestanding signs.
 - iii. The maximum number of on building signs permitted for each building within the campus.
 - iv. The maximum area of on-building signs used within the campus in relation to a specific building wall length ratio and the absolute maximum area limit and location requirements for individual on-building signs.
 - v. Area, height and location of pedestrian-scale directional signage within the campus.
 - vi. Area, height and location of driver-oriented directional signage within the campus.
 - vii. Area, height and location of primary campus identification signs within the campus, as well as specified approved locations for each sign.
 - c. The Zoning Administrator may approve minor changes to the Master Signage Plan.
 - d. Changes to the sign message and/or appearance which do not alter the size of an exterior sign are permitted by right.
 7. A Conceptual Landscaping Plan for the Campus Existing Conditions Graphic and Campus Plan Graphic depicting:
 - a. Location and number of existing landscaping features.
 - b. General location and type of proposed landscaping features.
 - c. Bufferyards as required in Article VIII.
 - d. Other requirements specific to the campus as deemed appropriate by the City.
- (6) Noise and vibration standards shall be established by the CMP, or, in the absence of a CMP, by the most comparable zoning district as identified by the City.

Section 10-181: Violations and Penalties

- (1) Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity, or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements.
- (2) Penalties. See Section 20.04 of the City of Shawano Code of Ordinances.
- (3) Promulgated Correction of Violation. In addition to any other penalty imposed by this Section for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate

Section 10-182: Fees

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 10-182: Fees

Fees for procedures and permits established by this Chapter shall be determined by the current City fee schedule.

Sections 10-183 to 10-199: Reserved