

CHAPTER 23
ZONING CODE
CITY OF STEVENS POINT

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23.01 GENERAL PROVISIONS:

The following general provisions shall apply in the interpretation and enforcement of this ordinance:

1) Title.

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Stevens Point, Wisconsin.

2) Compliance.

The use or development of any land or water, a change or alteration in the use of and land or water, and the use, change of use, alteration, construction, reconstruction, remodeling or expansion of any structure within the areas to be regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

3) Conflicting Provisions Repealed.

The Zoning Ordinance and all amendments thereto, the mobile home ordinance, airport height limitation ordinance and all ordinances or parts or sections of ordinances in conflict herewith, of the City of Stevens Point, WI. are hereby repealed in their entirety except provisions regulating signs and the following ordinance is enacted in lieu thereof.

4) Purpose and Intent.

The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. It is the general intent of this ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent over-crowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

5) Authority.

These regulations are adopted pursuant to the authorization contained in Sections 62.23, 87.30, 114.126 and 145.02 of the Wisconsin Statutes as amended and said Section of Wisconsin Statutes is hereby adopted.

6) Interpretation, Greater Restrictions and Abrogation.

Where a city ordinance other than this chapter is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or private deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

7) Warning and Disclaimer of Liability.

The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that compliance will result in freedom from damages nor shall this ordinance create a liability on the part of or a cause of acting against the City of Stevens Point or any officer or employee for any damage that may result from reliance on this ordinance.

8) Effective Date.

This ordinance is effective after public hearing, adopted by the Common Council on February 14, 1979, and publication on February 23, 1979.

9) Severability.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

10) Exceptions and Modifications.

The regulations specified in this ordinance shall be subject to the following exceptions and interpretations:

- a) Structures permitted above height limit. The building height limitations of this ordinance shall be modified as follows:
 - 1) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, silos, spires and radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or here-after adopted ordinances of the City of Stevens Point, Wisconsin.
 - 2) Public, semi-public or public service building, hospitals, sanitariums or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, or structures at an airport, when permitted in a district may be erected to a height not exceeding seventy-five

(75) feet if the building is set back from each property line at least two (2) feet for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

- 3) Single family dwellings and two family dwellings in the dwelling districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided; but they shall not exceed three (3) stories in height.

b) Exceptions to yard and setback requirements.

- 1) Every part of a required yard shall be open to the sky unobstructed with any building or structure unless otherwise stipulated in this ordinance and ordinary projections of skylights, sills, belt courses, fire escapes, cornices and ornamental features projecting not to exceed thirty-six (36) inches and the usual steps.
- 2) An accessory building which is located ten or more feet from the principal building may be located in a rear or side yard provided it is not more than 15' high and is not nearer than 3 feet to any lot line unless otherwise stated, except that when an accessory building has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley right-of-way line.
- 3) Fences, walls not enclosing a structure, and hedges may be located within the required setback or yard as allowed in Chapter 30 of the Revised Municipal Code.
- 4) An existing open porch within a required setback or yard may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance-way (which may include closet space) when projecting not more than one-fourth (1/4) of the width of the residence.

a) The following may be located in all yards within the required setbacks:

- 1) Arbors and trellises
- 2) Awnings
- 3) Chimneys projecting twenty-four inches (24") or less from the face of the building into the yard
- 4) Flagpoles and garden ornaments
- 5) Terraces or decks open to the sky, not more than two feet (2') above the levee of the adjoining ground.
- 6) Steps which are necessary for access to a permitted building or for

access to a zoning lot from a street or alley.

- 7) Wheelchair ramps
 - 8) Open off-street vehicle parking when allowed in a driveway or otherwise by city ordinance
 - 9) One story bay windows projecting two (2) feet or less into the yard
 - 10) Air conditioning condensing unit
 - 11) Signs as permitted in Chapter 25 Uniform Sign Ordinance
 - 12) Other structures accessory to the principal use unless otherwise stipulated in this ordinance.
- b) In rear yards:
- 1) Swimming pools, hot tubs, exercise pools, whirlpools, etc.
 - 2) Recreational equipment affixed to the ground
 - 3) Compost bins not less than three (3) feet to any property line.
- 5) All exterior storage of materials shall be set back equal to the main building on the lot, or the setback requirement of the Zoning District, whichever is greater. All exterior storage areas shall be screened from all adjoining properties and all public streets. Storage of materials varying from these requirements may be approved by the City Inspection Department or the Plan Commission and Common Council.

11) Recommendations as to public improvements.

No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, or public structure, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the City of Stevens Point, Wisconsin for the erection or location thereof, until and unless the design and proposed location of any such improvement shall have been submitted to the City Plan Commission and its recommendations thereon obtained. Such requirement for recommendations shall not act as a stay upon action for any such improvement where such commission after thirty days written notice requesting such recommendations shall have failed to file same.

12) Classification of Districts.

In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk

of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the City of Stevens Point, Wisconsin is hereby divided into classes or districts. The use, height and area regulations are uniform in each class or district, and said districts shall be known as:

- "C" Conservancy
- "R-LD" Low Density
- "R-1" Suburban Single Family Residential
- "R-2" Single Family Residential
- "R-3" Single and Two Family Residential
- "R-4" Multiple Family I Residential
- "R-5" Multiple Family II Residential
- "B-1" Neighborhood Business
- "B-2" Central Business Transition
- "B-3" Central Business
- "B-4" Commercial
- "B-5" Highway Commercial
- "M-1" Light Industrial
- "M-2" Heavy Industrial
- "U-1" University Facilities District
- "PD" Planned Development District
- "A-H" Airport Height Overlay
- Wireless Communication Towers
- Wellhead Protection Overlay District
- Sexually Oriented Business
- Traditional Neighborhood Development
- "PID" Planned Industrial Development District

- a) Zoning Map. The official zoning map(s) of the City of Stevens Point shall be the various section plat maps maintained in the office of the City Zoning Administrator and which maps are made a part of this ordinance by reference.
- b) District Boundaries
 - 1) The boundaries of these districts shall be as established on the zoning maps, airport height limitation maps, and aerial photographs dated May 12, 1975 on which Aero-Metric Engineering identified topographic data under Flood Plain Shoreland Mapping Grant Number 9009, such maps contain floodway and flood fringe districts based on a Flood Insurance Study dated June 1, 1983 as prepared by the Federal Emergency Management Agency. These maps are the official floodplain zoning maps for the city and have been approved by the Department of Natural Resources and the Federal Emergency Management Agency, and are on file in the office of the Zoning Administrator.

- 2) When the location of the flood plain or floodway district boundary is established by experience flood maps or engineering studies, the flood elevations or flood profiles for the point in question shall be the governing factor in locating the district boundary. If no elevation or profiles are available, any other available evidence may be examined. No deviations from the mapped boundary lines shall be allowed unless the evidence clearly and conclusively establishes that the mapped location of the lines is incorrect and is approved by the Department of Natural Resources and the map amendment is approved by the Federal Emergency Management Agency.
- 3) For the purpose of this code, all areas of the flood plain not specifically identified as being within the flood fringe district are within the flood way unless the Zoning Administrator finds, after sufficient information is submitted, that the area is in the flood fringe district.
- 4) Compliance with the provisions of this ordinance shall not be grounds for the removal of lands from the flood plain district unless such lands are filled to a height of at least two feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the flood plain district; approval has been granted by the Department of Natural Resources, and an "Official letter of map amendment" has been issued by the Federal Emergency Management Agency.
- 5) When any development is proposed within the floodplain area, a determination shall be made to establish the boundaries of the floodway, to allow the Zoning Administrator to determine whether floodway or flood fringe district requirements apply, and where required, to determine the regional flood elevation. Upon receiving an application for development within the floodplain area, the Zoning Administrator shall:
 - a) Require the applicant to submit, at the time of application, two copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.
 - b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood flows, to determine the boundaries of the floodway, and where applicable, the regional flood elevation:
 - 1) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development,

and all historic high water information.

- 2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; water supply, and sanitary facilities; soil types and other pertinent information.
 - 3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - 4) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- c) Transmit one copy of the information described in paragraphs a. and b. to the appropriate District office of the Department along with a written request to have that agency provide technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of paragraph 23.02(3)(e)4.f. apply, the applicant shall provide all required information and computations.
- 6) Whenever any street, alley, or other public way is vacated by official action of the city, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.
 - 7) All areas within the corporate limits of the City which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoin the water area. If the water area adjoins two or more districts, the boundary of each district shall be construed to extend into the water area in a straight line until they meet the other district at a half-way point.
 - 8) All territory annexed to the City of Stevens Point shall automatically become a part of the "R-1" Low Density Residence District until definite boundaries and zoning districts are recommended by the City Plan Commission and adopted by the Common Council; provided, however, that the Common Council shall adopt definite boundaries and district regulations within 90 days from the date of the annexation. The Plan Commission may recommend definite zoning districts and boundaries to the City Council prior to or at the time the Council acts on a proposed annexation, and may adopt definite boundaries at the time of annexation provided the public notice procedure is followed.

13) General Standards.

- a) **Street Frontage Required.** Except as otherwise permitted in this ordinance, or building lots approved by the Common Council, no lot shall contain any building in whole or in part for residence purposes unless such lot abuts for at least sixty (60) feet on at least one public or private street.
- b) **Shoreland Requirements.** All buildings and structures shall be set back at least 30 feet from a navigable stream, lake or flowage. Tree cutting in the first 30-foot strip paralleling the shoreline shall be limited in accordance with the following provisions:
 - 1) No more than 30 feet in each 100 feet, as measured along the normal high water mark, shall be clear cut.
 - 2) In the remaining 70 feet, cutting shall leave sufficient cover to screen vehicles, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.
- c) **Required Yard Area or Setback.** No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required under this ordinance for another building or structure. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance.
- d) **Structures to Have Access.** Every main building hereafter erected or moved shall be on a lot adjacent to a public or private street, and all structures shall be so situated on lots as to provide safety and convenient access for servicing, fire protection, and required off-street parking.
- e) **Moving of Structures.** If a building or structure is moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located.
- f) **More Than One Principal Building or Use on a Lot.** Every building hereafter erected, converted, enlarged, or structurally altered shall be located on a zoning lot and there shall not be more than one main building on one zoning lot except that the Plan Commission may authorize more than one main building on one zoning lot if the proposal meets the conditional use standards contained in this ordinance.
- g) **Floor Area.** One family dwellings shall have a minimum gross floor area of 900 square feet per unit, except mobile homes shall have a minimum of 720 square feet per unit.
- h) **Mobile Homes.** Mobile homes shall be located only within mobile home parks.

14) Parking Standards

a) Applicability

- 1) Unless specifically exempted in this Zoning Code, all existing and proposed development shall provide parking facilities and manage access in accordance with this Zoning Code.
- 2) With the exception of restriping a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing parking facilities shall conform to the requirements of this Zoning Code.
- 3) Buildings and uses lawfully existing as of the effective date of this Zoning Code may be renovated or repaired without providing additional parking facilities, provided there is no increase in gross floor area or change in use of existing floor area that would increase parking demand.
- 4) Where a building or use existed as of the effective date of this Zoning Code, and the building or use is enlarged in gross floor area or impervious area by 10 percent or 2,000 square feet, whichever is less, parking as specified in this Zoning Code shall be required for the enlarged area. The addition of an accessory building or structure shall be considered an enlargement of the building or use.
- 5) A change in use of a building or use existing as of the effective date of this Zoning Code shall require additional parking facilities to comply with the requirements of this Zoning Code for the new use unless the new use has the same parking requirement or a lesser requirement than the previous one.

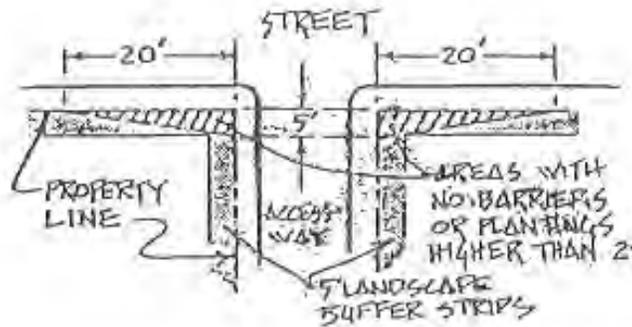
b) General Provisions

- 1) **Parking Required**
No use shall provide less than the minimum number of parking spaces required under this Zoning Code. At the discretion of the property owner or occupier, a fee may be charged for required parking.
- 2) **Location of Parking Spaces**
Unless otherwise approved in an alternative parking plan under 23.01(14)(h) Alternative Parking Plan, parking spaces shall be located as set forth below.
 - a) **Single- and Two-Family Building Types**
 - i. Required parking spaces shall be located on the same lot and shall not be located within the required front setback, except single- and two-family driveways leading to an approved parking area.
 - b) **Apartment, Mixed Use, and Non-Residential Building Types**
 - i. All required parking spaces shall be located on the same site or on off-site land within 1,320 feet of the building, structure or use served (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot).

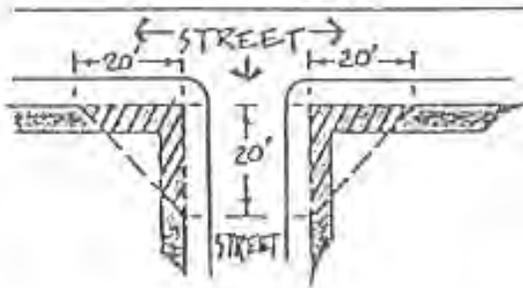
- ii. All off-street parking shall be arranged so that no vehicle is forced onto any public street to gain access from one parking aisle to another parking aisle.

3) Clearview Requirements

- a) When an accessway intersects a public right of way or when the subject property abuts the intersection of two or more public rights of way, all parking lots or vehicular use areas within the triangular area described below shall provide unobstructed cross-visibility, with no obstructions higher than two feet.
- b) The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right of way line, consisting of 20 feet along the public right of way and five feet perpendicular to the line, and the third side being a line connecting the ends of the two other sides.



- c) The area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being 20 feet in length along the abutting public right of way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.



c) Parking Ratios

1) Calculation of Ratios

a) Mixed Uses

Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.

b) Fractional Measurements

Where fractional spaces result, the parking spaces required shall be the next highest whole number.

2) Minimum

The following minimum parking ratios apply to all zoning districts. Where in the opinion of a registered engineer in the State of Wisconsin, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios.

3) Required Parking Ratios

Unless specifically reduced in 23.01(14)(d) Parking Reductions, the following parking ratios shall apply to all development.

| | Specific Use | Minimum Parking |
|-------------------------|---|---|
| Residential | | |
| Household living | Detached living | 2.0 per unit |
| | Accessory dwelling | 1.0 per unit |
| | Attached living | 1.0 per unit |
| | Multifamily living or upper-story living | 1.25 per each studio unit |
| | | 1.50 per each 1 bedroom unit |
| | | 1.75 per each 2 bedroom unit |
| | | 2.00 per each 3 bedroom unit and above |
| | Retirement community | 1.0 per unit |
| | Senior housing | 0.60 per attached unit |
| 1.5 per detached unit | | |
| All other uses | 2.0 per unit | |
| Group living | Assisted living or congregate care facilities | 0.3 per bedroom |
| | All other uses | 1.0 per 300 square feet of gross floor area |
| Social service | All uses | 1.0 per 300 square feet of gross floor area |
| Public | | |
| Parks & open | All uses | As determined by Plan Commission and Common |

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| space | | Council |
| Place of worship | All uses | 1.0 per 4 seats in main worship space, if benches, 20 inches shall equal 1 seat |
| Port & terminal | All uses | 1.0 per 225 square feet of gross floor area |
| Schools | Additions to existing schools | To be established by the Common Council 9.5 per classroom |
| | 3-year high school | 7.5 per classroom |
| | 4-year high school | 3.5 per classroom |
| | Elementary or middle school | |
| Utilities | All uses | 1.0 per 300 square feet of gross floor area (office) |
| Commerce | | |
| Day care | All uses | 1.0 per 300 square feet of gross floor area |
| Indoor recreation | Auditorium | 1.0 per 4 seats or 1.0 per 75 square feet of gross floor area (whichever is greater) + 1.0 per 100 square feet of gross floor area of conference, banquet, restaurant |
| | Bowling alley | 5.0 per alley + 1.0 per 100 square feet of gross floor area of conference, banquet, restaurant |
| | Theaters | 1.0 per 4 seats |
| | All other uses | 1.0 per 200 square feet of gross floor area |
| Medical | Hospital | 0.50 per bed |
| | Medical, dental office or chiropractor | 1.0 per 300 square feet of gross floor area |
| | All other uses | 1.0 per 300 square feet of gross floor area |
| Office | With drive thru service | 1.0 per 350 square feet of gross floor area |
| | Without drive thru service | 1.0 per 300 square feet of gross floor area |
| Outdoor recreation | Campground, travel trailer park, RV park | 1.0 per space |
| | Golf course or country club | 3.0 per hole + 2.0 per court |
| | Horse stable, riding academy equestrian center | 1.0 per each 5 stalls |
| | Stadium or arena | 1.0 per 4 seats |
| | All other uses | 1.0 per 5,000 square feet (outdoor use area) |
| Overnight lodging | All uses | 1.0 per guest room + 1.0 per 100 square feet of conference, banquet, |

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| | | restaurant |
| Personal service | Barber and beauty shops | 1.0 per 100 square feet of gross floor area |
| | Funeral home or mortuary | 1.0 per 4 seats or 1 space per 60 square feet of gross floor area (whichever is greater) |
| | If less than 4,000 square feet of gross floor area | 1.0 per 500 square feet of gross floor area |
| | All other uses | 1.0 per 300 square feet of gross floor area |
| Restaurant/Bar | All uses | 1.0 per 100 square feet of gross floor area |
| Retail sales | Gas and service stations | 1.0 per 200 square feet of gross floor area |
| | If less than 2,000 square feet of gross floor area | 1.0 per 500 square feet of gross floor area |
| | All other uses | 1.0 per 300 square feet of gross floor area |
| Vehicle sales | All uses | 1.0 per 500 indoor square feet of gross floor area + 1.0 per 10,000 square feet outdoor lot area |
| Vehicle service | All uses | 3.0 per bay or 1.0 per 250 square feet of gross floor area, as applicable whichever is greater |
| Water-oriented | All uses | 1.0 per every 3 wet or dry slips |
| Industrial | | |
| Heavy industrial | All uses | 1.0 per 600 square feet of gross floor area (office) + 1.0 per 4,000 square feet of gross floor area |
| Light industrial | All uses | 1.0 per 600 square feet of gross floor area (office) + 1.0 per 4,000 square feet of gross floor area |
| Research & development | All uses | 1.0 per 300 square feet of gross floor area (office) |
| Self-service storage | All uses | 1.0 per 250 square feet of gross floor area (non-storage) + 1.0 per every 50 storage units |
| Trucking terminal | All uses | 1.0 per 700 SF square feet of gross floor area |
| Warehouse & distribution | All uses | 1 per 500 square feet of gross floor area (office) + 1 per 4,000 square feet indoor storage area |
| Waste-related service | All uses | 1.0 per 250 square feet of gross floor area (office) + 1.0 per 4,000 square feet of gross floor area |
| Wholesale trade | All uses | 1.0 per 250 square feet of gross floor area (office) + 1.0 per 4,000 square feet of indoor storage |

4) Maximum

- a) No use shall provide more than 150 percent of the required parking shown in the table above unless any parking above the 150 percent threshold is provided on pervious surface or as underground or structured parking.
- b) Where a project is intended to be developed in phases, the Administrator may approve development of a parking area intended to serve current and future development.

5) Unlisted Uses

The parking space requirements for a use not specifically listed in the table shall be the same as for the listed use deemed most similar to the proposed use by the Administrator.

6) Administrative Modification

The Administrator may reduce the required number of spaces by up to five percent for reasons of topography, tree protection or other natural conditions specific to the site.

7) Credit for On-Street Spaces

On-street parking spaces located immediately abutting the subject parcel, lying entirely within the extension of the side lot lines into the roadway and not within any required clear sight distance, may be counted toward meeting these parking requirements.

d) Parking Reductions

Parking may be reduced according to the following standards.

1) Bus Transit Availability

Locations within a 1,320-foot walking distance of a bus stop may reduce the total number of required parking spaces by 15 percent. Walking distance is measured from the primary entrance of the use to the bus boarding location.

2) Provision of Structured Parking

Where parking is provided entirely in a structure on a lot, the required total number of spaces may be reduced by 10 percent.

3) Access to Car-Sharing Program

A residential project or a mixed use project with a residential component providing an active car-share program may reduce the total number of required parking spaces. The reduction shall equal five spaces per car-share vehicle available on-site to residents of the project.

4) Tree Preservation

The Administrator may approve a reduction in the total number of required parking spaces by one space for every tree over 24 inches in diameter at breast height preserved within the parking area. The maximum reduction allowed for tree preservation is five percent of the total required parking spaces.

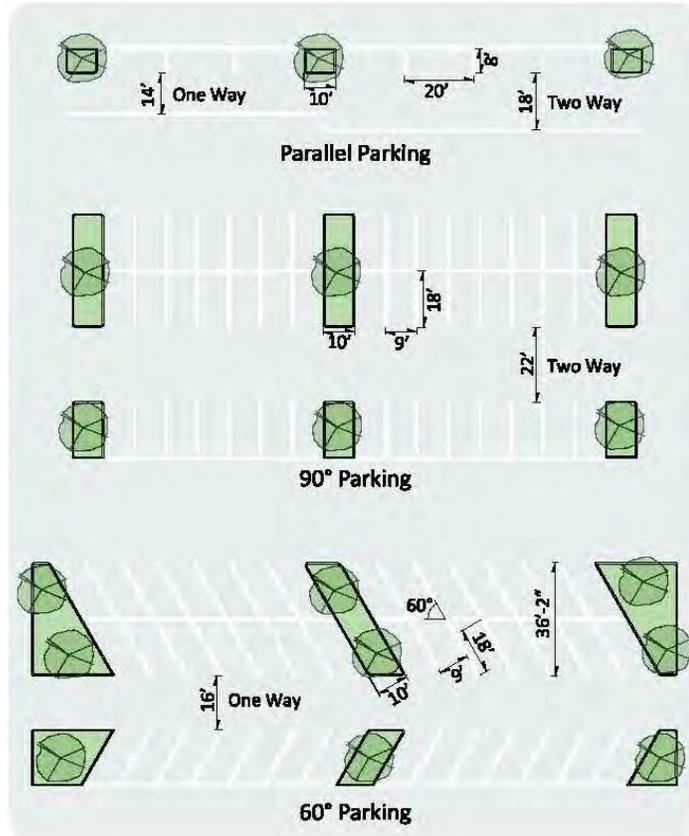
5) Designated Downtown

No parking is required in a designated downtown area. Where parking is provided, it must meet the dimensional standards of this Zoning Code.

e) **Parking Area Design Standards**

1) **Parking Space Layout**

a) Parking space layout shall meet the following dimensions.

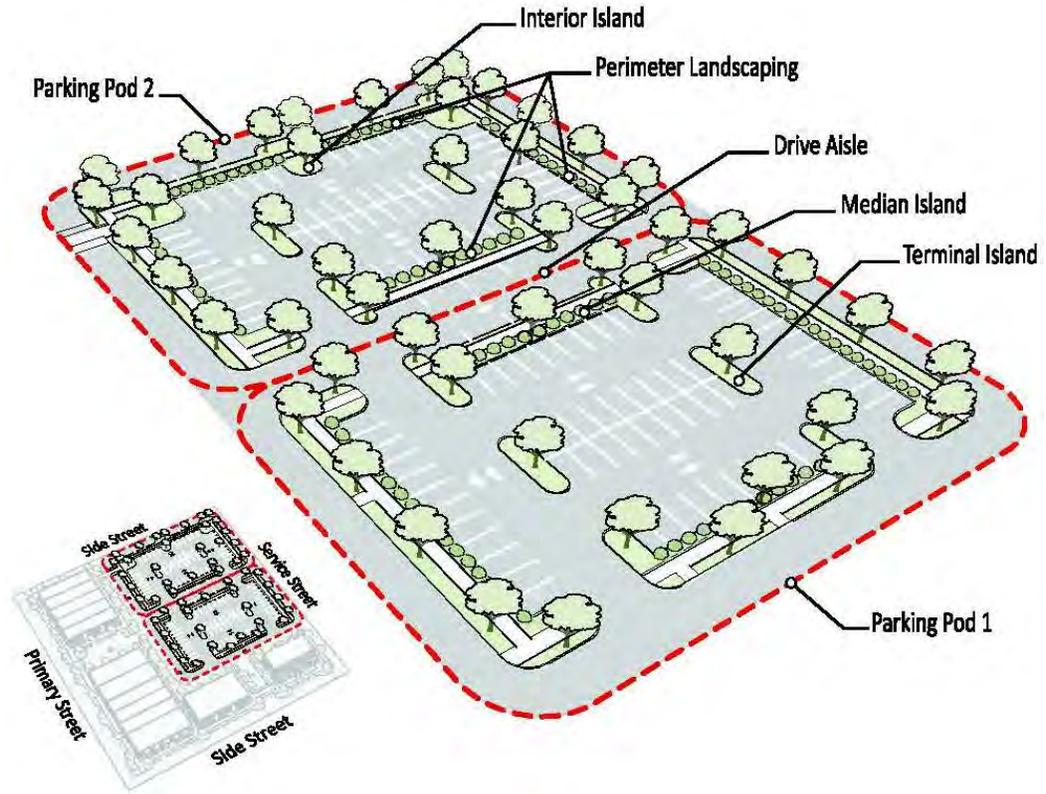


b) Parking spaces using geometric standards other than those specified above may be approved by the City Engineer, subject to a determination by the Administrator that the proposed facility will satisfy these parking requirements as well as would a facility using the dimensions specified above.

c) Compact spaces may be substituted for no more than 25 percent of the total number of off street parking spaces required. Where provided, compact spaces shall be a minimum of seven feet, six inches in width and 15 feet in length.

2) **Parking Pods**

Parking areas shall be organized into parking pods that are separated by the following perimeter landscaping and island plantings. Where parking areas are screened by a building, they shall not require screening on that side of the parking pod. Island landscaping may be waived if there are less than 50 spaces or if the perimeter landscaping is double in width. Such width shall not need to exceed 50 feet. Such modifications must be approved by the Administrator.



a) Perimeter Landscaping

- i. Perimeter landscaping shall be a minimum of five feet wide, landscaped with one canopy or evergreen tree for every 50 linear feet (spaced a maximum of 75 feet apart) and shrubs installed at a rate of one for every 15 square feet of landscaped area.
- ii. An opaque fence a minimum of 30 inches located in a three-foot planting strip may be substituted for the shrubs.

b) Interior Islands

- i. An interior landscaped island shall be provided for every 25 spaces per parking row. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one canopy or evergreen tree.
- ii. Interior islands shall be distributed throughout the parking area, with no parking space located more than 200 feet from a planting island.
- iii. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Administrator.

c) Terminal Islands

All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described for interior islands above.

d) Median Islands

- i. A median island with a minimum width of eight feet inside the curb shall be sited between every eight single parking rows and along primary internal and external access drives.
- ii. Each median island shall be planted at the rate of one canopy or evergreen tree for every 50 linear feet (spaced a maximum of 75 feet apart).
- iii. Median intervals may be expanded in order to preserve existing trees, where approved by the Administrator.
- iv. A median island may also serve as the location for a sidewalk connecting the use and the street. In such case, the sidewalk shall be a minimum of five feet wide, and the remaining planting area shall be no less than five feet wide.

e) Landscaping Specifications

i. General

- a) Plant material shall be true to name, variety, and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
- b) Plant materials shall be cold hardy for the specific location where they are to be planted.
- c) Trees and shrubs shall be salt-tolerant in areas immediately adjacent to parking lots.
- d) Trees and shrubs shall be drought-tolerant and able to survive on natural rainfall once established with no loss of health.

ii. Canopy Trees

- a) Canopy trees selected for planting shall meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b) All single trunk trees shall have a minimum 2½-inch caliper, and must measure a minimum of 10 feet tall at time of planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
- c) Multi-trunk trees shall have main stems with a minimum 1½-inch caliper per trunk, a minimum of three main stems, and must measure a minimum of 10 feet tall at time of planting. All tree

heights shall be measured from the top of the root ball to the tip of the highest branch.

iii. Evergreens

- a) Evergreens selected for planting shall meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b) All evergreens must measure a minimum of three feet tall at time of planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.

iv. Shrubs

- a) Shrubs selected for planting shall meet the minimum requirements provided in the American Standard for Nursery Stock, latest edition as published by the American Nursery & Landscape Association.
- b) All required shrubs shall be a minimum of 20 inches in height in a minimum three-gallon container.
- c) Shrubs shall be of a species that under average conditions will reach a minimum height of 24 inches within 12 months.
- d) When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 36 inches on center. Spacing for other size shrubs shall be determined by the Administrator.
- e) Other plantings may be substituted for shrubs if they provide similar screening. Such substitutions must be approved by the Administrator.

v. Credit for Existing Plant Material

- a) Required landscaped areas may incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval shall be obtained from the Administrator. Where existing vegetation is inadequate to meet the required landscaping standards, additional plant material shall be required.
- b) Existing native habitat or vegetation located within planting areas and meeting the requirements of this Zoning Code may be counted.
- c) In the event that the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.

- d) Credit may also be permitted for existing plant material, fences and walls on abutting property, provided such items are in a permanently protected area, including, but not limited to:
 - 1. A conservation easement or preserve area on adjacent property; or
 - 2. An existing utility or drainage easement exceeding 100 feet in width.

- vi. Irrigation

A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated, an irrigation system shall be required.

- f) Maximum Parking Area Pod Size

Parking areas shall be broken up by landscaped area, tree islands, and buildings into pods containing no more than 160 parking spaces.

- g) Accessible Parking

Accessible parking shall be provided in compliance with the Americans with Disabilities Act Accessibility Guidelines.

- h) Surfacing
 - i. Surfacing Required

Except as provided below, where parking facilities or any other vehicular use area are provided, they shall be surfaced with asphalt bituminous, concrete or dustless material approved by the Administrator, and shall be maintained in a smooth, well-graded condition.

 - ii. Pervious Parking Surfaces
 - a) All parking spaces may be surfaced with pervious parking surface that is engineered for parking or driveways.
 - b) Where an existing tree is adjacent to parking; paver bricks or other pervious surface shall be used within the dripline of the tree. No parking shall be located closer than five feet from the trunk of an existing tree.
 - c) Where provided, pervious parking surfaces shall be maintained in a sound, well-graded condition.

- i) Setback
 - i. All off-street parking must observe the required parking setback for the appropriate zoning district identified below.
 - a) Street Right of Way Setback

| District | Distance |
|--|--|
| "C" - Conservancy | 30 feet |
| "R-LD" - Low Density | 30 feet |
| "R-1" - Suburban Single Family Residential | 25 feet |
| "R-2" - Single Family Residential | 25 feet |
| "R-3" - Single and Two Family Residential | 25 feet |
| "R-4" - Multiple Family I Residential | 25 feet |
| "R-5" - Multiple Family II Residential | 15 feet |
| "B-1" - Neighborhood Business | 5 feet |
| "B-2" - Central Business Transition | 5 feet |
| "B-3" - Central Business | 5 feet |
| "B-4" - Commercial | 5 feet |
| "B-5" - Highway Commercial | 30 feet from Highway 10 5 feet from other streets |
| "M-1" - Light Industrial | 5 feet |
| "M-2" - Heavy Industrial | 5 feet |
| "U-1" - University | 5 feet |

b) Side and Rear Yard Setback

| District | Distance |
|--|----------|
| "C" - Conservancy | 10 feet |
| "R-LD" - Low Density | 10 feet |
| "R-1" - Suburban Single Family Residential | 10 feet |
| "R-2" - Single Family Residential | 10 feet |
| "R-3" - Single and Two Family Residential | 10 feet |
| "R-4" - Multiple Family I Residential | 10 feet |
| "R-5" - Multiple Family II Residential | 10 feet |
| "B-1" - Neighborhood Business | 5 feet |
| "B-2" - Central Business Transition | 5 feet |
| "B-3" - Central Business | 5 feet |
| "B-4" - Commercial | 5 feet |
| "B-5" - Highway Commercial | 5 feet |
| "M-1" - Light Industrial | 5 feet |
| "M-2" - Heavy Industrial | 5 feet |

- ii. In the event any parking abuts a walkway, sidewalk or street, the parking shall be separated by curbing or other protective device.
- iii. All parking shall be separated from buildings by a minimum distance of three feet.
- j) Striping
All parking areas over 2,000 square feet or containing more than five individual off-street parking spaces, shall stripe their required parking spaces.
- k) Curbs
Where parking facilities or any other vehicular use areas are provided, they shall have curbs or wheel stops to prevent vehicles from overhanging adjacent property or landscaped areas. Where vehicles will overhang over medians or islands, shrubs and trees shall be planted a minimum of two feet from back of the curb or wheel stop. Where pervious parking surfaces or swales are provided, the Administrator may allow wheel stops in place of curbs. The Administrator may waive the curb requirement if an adequate or superior measure is used to protect the landscaped areas.
- l) Drainage
Where possible, a portion of the drainage from parking areas should be drained through swales that include deep rooted perennial ornamental grasses.

f) Bicycle Parking

In order to enhance multi-modal transportation opportunities, the following standards for bicycle parking shall be met.

- 1) Apartment, mixed use, and non-residential development providing more than 20 vehicle but less than 100 vehicle parking spaces shall be required to provide six bicycle parking spaces. An additional one bicycle parking space shall be provided for each additional 25 vehicle parking spaces, or fraction thereof. A minimum of four and a maximum of 24 bicycle parking spaces shall be required under this paragraph.
- 2) Bicycle parking facilities shall be located within 120 feet of the main building entrance, unless approved by the Plan Commission and Common Council.
- 3) Bicycle parking facilities shall be of high-quality type construction that:
 - a) Supports the bicycle upright by its frame in two places;
 - b) Prevents the wheel of the bicycle from tipping over;
 - c) Enables the frame and one or both wheels to be secured;
 - d) Supports bicycles without a diamond-shaped frame with a horizontal top tube;

- e) Allows front-in parking: a U-lock should be able to lock the front wheel and the down tube of an upright bicycle; and
 - f) Allows back-in parking: a U-lock should be able to lock the rear wheel and seat tube of the bicycle.
- 4) Bicycle parking facilities should be designed to have the following minimum area and spacing requirements:
 - a) The separation between the rack and any wall or barrier shall be 24 inches;
 - b) The racks shall be placed 30 inches on center;
 - c) The separation between aisles shall be 48 inches; and
 - d) The depth of each row shall be 72 inches.
 - 5) Alternative bicycle parking facility standards may be approved by the Administrator where they are functionally equivalent to the most recent version of the Bicycle Parking Guidelines from the Association of Pedestrian and Bicycle Professionals.

g) Constrained Sites

Alternative parking and landscaping standards may be approved by the Administrator only where the required parking and landscaping in this Zoning Code cannot be physically met on the site for one of the following reasons described below. Such alternative standards shall be the least aggressive possible.

- 1) Redevelopment of an existing site requires parking or landscaping to be added, but a building, pavement or stormwater facility already exists; or
- 2) Redevelopment of an existing site would reduce the number of stalls below the required number for the use or reduce aisle widths below the recommended standard; or
- 3) The existing site has lost area from landscaping due to adjacent road widening or other right-of-way infrastructure improvements.
- 4) A parking facility addition would be inconsistent with the layout or setback of the existing parking facility to the extent where it would significantly change the configuration of the existing facility to meet current standards. Such addition shall not exceed more than 50 percent of the existing parking facility area.

h) Alternative Parking Plan

1) Applicant-Submitted Parking Data

The Plan Commission, with Common Council approval, may modify the parking requirements of this Zoning Code when an applicant submits parking data, prepared and sealed by a registered engineer in the State of Wisconsin, which illustrates that the standards of this Zoning Code do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of

uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

2) Off-Site Parking

The Administrator may approve the location of required parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards.

a) Ineligible Activities

- i. Off-site parking may not be used to satisfy the off-street parking requirements for convenience stores or other convenience-oriented uses.
- ii. Required parking spaces reserved for persons with disabilities may not be located off-site.

b) Location

Off-site parking spaces shall be located within 1,320 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area.

c) Zoning Classification

Off-site parking areas shall be located within a district which would permit the use to which such parking is accessory.

d) Agreement

- i. In the event that an off-site parking area is not under the same ownership as the principal use served, a legally binding written agreement between the record owners of the property establishing the duration and conditions associated with the off-site parking.
- ii. An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Zoning Code.

3) Shared Parking

The Administrator may allow shared parking facilities if the shared parking complies with all of the following standards:

a) Ineligible Activities

Required parking spaces reserved for persons with disabilities may not be located off-site.

b) Location

Shared parking spaces shall be located within 1,320 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

c) Zoning Classification

Off-site parking areas shall be located within a district which would permit the use to which such parking is accessory.

d) Shared Parking Study

Applicants shall submit a shared parking analysis to the Administrator that clearly demonstrates the feasibility of shared parking. The study shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking for all uses that will be sharing the parking spaces.

e) Agreement

- i. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Administrator.
- ii. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Zoning Code.

4) Valet Parking

The Administrator may approve valet parking as a means of satisfying parking requirements if the valet parking meets all of the following standards:

- a) Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services.
- b) An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
- c) Valet parking drop-off locations shall meet the requirements for stacking areas.
- d) The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

5) Recording of Approved Plans

An attested copy of an approved alternative parking plan and any associated agreements shall be recorded in the Portage County Register of Deeds Office. The applicant shall provide proof of recording prior to the final inspection.

6) Amendments

An alternative parking plan may be amended by following the same procedure required for the original approval.

i) Site Access

1) General Standards

- a) All buildings shall be located on a site abutting a public or private street.

- b) Unless otherwise approved by the City Engineer, all liner buildings must take vehicular access from within the site.
 - c) Unless otherwise approved by the Administrator, all apartment, mixed use, and non-residential sites abutting an arterial street must provide a shared access easement with a minimum paving width of 22 feet when abutting another apartment, mixed use, or non-residential property.
 - d) No vehicle or obstacle may block driveways intended for use as a fire lane, or cross-access easement.
 - e) All driveways shall be surfaced with asphalt bituminous, concrete or dustless material approved by the Administrator, and shall be maintained in a smooth, well-graded condition.
- 2) Access to Arterial Streets
- a) Direct driveway access from any lot to an existing or proposed arterial street shall be prohibited unless approved by the City Engineer.
 - b) When an apartment, mixed use, or non-residential site is abutting an existing or proposed arterial street, access to the arterial street may be limited by one of the following means:
 - i. Driveway access between the site and an arterial street may be located no closer than 300 feet to any other proposed or existing intersecting arterial;
 - ii. Sites may be subdivided so as to provide access onto a frontage road;
or
 - iii. Approval of driveway access between a site and the arterial at an interval less than those specified may be granted only by review and recommendation of the City Engineer.
- 3) Driveways for Residential Uses
- a) Alley Access Required
 - i. When an improved alley is provided, all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.
 - ii. All lots 40 feet or less in width are required to take vehicular access from a rear alley. In the event that a lot existing at the time of the effective date of this Zoning Code is less than 40 feet in width and does not abut an alley, then the lot may take vehicular access from the street.
 - b) Width of Driveways
 - i. Driveways on lots less than 35 feet in width may be no less than nine feet and no more than 12 feet in width in the required front setback.

- ii. Driveways serving on lots greater than 35 feet in width may be no less than nine feet and no more than 20 feet in width in the required front setback.
- iii. Driveways shall be measured at the face of the walk, or right-of-way in rural sections.

c) Location of Driveways

- i. Unless otherwise approved or required by the City Engineer, non-alley loaded residential driveways may be no closer than 30 feet from any other driveway and no closer than three feet to any side lot line.
- ii. Unless otherwise approved or required by the City Engineer, non-alley loaded driveways may intersect a street no closer than 20 feet from the intersection of two street right-of-way lines and no closer than 50 feet from the intersection of an arterial street.
- iii. Unless otherwise approved or required by the City Engineer, driveways shall be at least five feet from hydrants and utility poles/structures.

4) Driveways for Apartment, Mixed Use, and Non-Residential Uses

a) Alley Access Required

When an improved alley is provided, all vehicular access shall take place from the alley. Access may be taken from the side street on corner lots.

b) Width of Driveways

- i. Unless otherwise approved or required by the City Engineer, the width of a driveway shall be no less than nine feet and no more than 35 feet in width. If a driveway is wider than 35 feet, it shall be curbed at the right-of-way to the edge of pavement on both sides of the driveway.
- ii. Driveways shall be measured at the face of the walk, or right-of-way in rural sections.

c) Location of Driveways

- i. A platted lot shall be permitted the number of driveways identified in the table below. The City Engineer may approve or require additional driveways. Such determination shall consider site design, pedestrian and vehicle circulation, adjacent uses, topography, speed of traffic on adjacent roads, and other such considerations.

| Total Site Frontage | Number of Driveways |
|---|---------------------|
| 200 feet of frontage or less | 1 |
| 201 feet to 400 feet of frontage | 2 |
| 401 feet to 600 feet of frontage | 3 |

- ii. Driveways shall be separated by a distance not less than 150 feet measured centerline to centerline of the driveways. In the event that an infill lot is unable to meet this separation requirement due to the location of existing driveways on adjacent lots, the infill lot shall be permitted one driveway.
- iii. Unless otherwise approved or required by the City Engineer, the permitted driveway for a corner lot shall connect to the street with the lower roadway classification.
- iv. Unless otherwise approved or required by the City Engineer, non-alley loaded driveways may intersect a street no closer than 50 feet from the intersection of two street right-of-way lines and no closer than 100 feet from the intersection of an arterial street. If a greater distance is required by the Wisconsin Department of Transportation, as indicated in their most recent Facilities Development Manual, that distance shall be provided, unless otherwise approved by the City Engineer.
- v. Driveways shall be contained entirely within the property frontage or as part of a joint access easement with an adjacent platted property.
- vi. Unless otherwise approved or required by the City Engineer, driveways shall be at least five feet from hydrants and utility poles/structures.

j) Stacking

The following stacking standards shall apply unless otherwise expressly approved by the Plan Commission and Common Council. The Plan Commission and Common Council may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

1) Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

| Facility | Spaces (min) | Measured From |
|--------------------------------------|--------------|------------------------|
| Automated teller machine | 3 | Machine |
| Bank teller lane | 4 | Teller or window |
| Car lubrication stall | 2 | Entrance to stall |
| Car wash stall, automated | 4 | Entrance to wash bay |
| Car wash stall, hand-operated | 3 | Entrance to wash bay |
| Day care drop off | 3 | Passenger loading area |
| Parking area, controlled | 4 | Key code box |
| Restaurant drive through | 6 | Order box |

| | | |
|------------------------------------|---|--|
| Restaurant drive through | 2 | Order box to pick-up window |
| Valet parking | 3 | Valet stand |
| School (public and private) | * | Determined by Plan Commission and Common Council |
| Other | * | Determined by Plan Commission and Common Council |

2) Design and Layout

Required stacking spaces are subject to the following design and layout standards:

a) Dimensions

Stacking spaces shall be a minimum of nine feet by 20 feet in size.

b) Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of parking spaces.

c) Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Administrator for traffic movement and safety.

15) Off-Street Loading

a) Loading Facilities Required

- 1) Off-street loading facilities shall be required for uses that regularly handle large quantities of goods, as determined by the Plan Commission and Common Council. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
- 2) Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
- 3) Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

b) Design and Layout

- 1) With the exception of designated downtown areas, loading and unloading activities shall not be permitted in any public right-of-way.

- 2) With the exception of designated downtown areas, loading and unloading activities may not encroach on or interfere with the public use of streets, sidewalks, and lanes by vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items, or stock for delivery and shipping.
- 3) Where off-street loading facilities are provided, they shall be not less than 15 feet in width by 60 feet in length, with not less than 15 feet of vertical clearance.
- 4) All loading areas shall be screened from view from public right-of-way and adjacent residential districts.

16) Conditional Uses.

- a) Intent. It is the intent that some special uses be allowed as permitted uses if they are generally compatible with the land use intent of the district and if such special use meets, or can be adjusted to meet, necessary conditions or performance standards which would make such special uses basically compatible with the permitted uses in the district. Conditional uses may be allowed in any district providing for them without rezoning land. The intent of conditional uses is to allow certain borderline uses in a district subject to performance standards or conditions without which the use would not be permissible within that particular district. This provision is intended to provide flexibility in the ordinance and give the municipality an opportunity to review and regulate specialized or unique uses, and to decide if borderline uses are conducive to being located in a specific proposed location rather than forcing the applicant to rezone land which would also allow many other permitted uses under the new district if the proposed use is not actually developed.
- b) Procedure. Only those uses listed as Conditional Uses in the individual districts of Section 23.02 of this ordinance can be considered for being permitted in such district.
 - 1) Application. Application must be made to the City Zoning Administrator for a Conditional Use. The necessary information as determined by the Zoning Administrator will be supplied with such application. The application may be supplemented or amended at any time prior to or at the public hearing provided the proposed amendment does not substantially expand or change the proposed use or scale of the project on the application. The Common Council may amend the conditional use request at any time during the proceeding without referring the project to a secondary public hearing unless the amendment(s) would substantially expand or change the proposed use or scale of the project
 - 2) Plan Commission Review. The Conditional Use application shall be

considered by the City Plan Commission and shall make a recommendation to the Common Council on same. Conditions can be attached to the recommended approval of a Conditional Use consistent with the intent of this section.

- 3) Hearing and Final Determination. The Common Council shall make the final determination on a Conditional Use Permit after the Plan Commission conducts a public hearing and provides a recommendation on the matter. The Common Council and Plan Commission have the right to attach conditions to the issuance of such permits. All Conditional Use Permits shall be valid only for the use specified on said permit and the permit shall expire at the time that any such conditional use shall terminate. Conditional Use Permits shall not be transferable to other uses on the same site nor shall the permit be transferred by the person or firm having the permit to a different location from that described on the permit for the purpose of changing the location of the permit.
 - 4) A temporary expansion of a conditional use premise shall not constitute a change in the conditional use permit. Temporary expansions of the premises shall not exceed two consecutive days, and not more than four temporary expansions in a twelve month calendar year. All temporary premise expansions shall meet the intent and purpose of the original conditional use permit, as well as the standards outlined in section 23.01(16)(c). Temporary premise expansions shall be approved by the Zoning administrator or designee. Denials by the Zoning Administrator, or designee, may be appealed to the Plan Commission and Common Council.
- c) Standards. No conditional use shall be recommended by the Plan Commission unless such Commission shall find:
- 1) That the establishment, maintenance, or operation of the use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
 - 2) That the use will not be injurious to the use and for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
 - 3) That the establishment of the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - 4) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or in the character

of the applicable district, as to result in a substantial or undue adverse effect on the neighborhood;

- 5) That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;
- 6) That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 7) That the proposed use is not contrary to the objectives of any duly adopted land use plan for the City of Stevens Point, any of its components, and/or its environs.
- 8) That the use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.
- 9) The proposal will not result in an over-concentration of high density living facilities in one area so as to result in a substantial or undue adverse effect on the neighborhood, on the school system, and the social and protective services systems of the community.
- 10) Principal: Applications for exclusive multifamily residential uses: The view from the street should maintain a residential character. The view should be dominated by the building and not by garages, parking, mechanical equipment, garbage containers, or other storage.
 - a) Parking should not be located in the front yard.
 - b) Parking should be visually screened from street view and from neighboring properties.
 - c) Building should face their main facade toward the street.
 - d) In cases where the main facade of the building cannot face the street, the portion of the building facing the street shall be developed in such a manner that the street-facade is developed using architectural elements like roof lines, windows, and architectural detailing to make the street facade look harmonious in scale, massing, proportion, and building form with other residential structures. (Blank walls facing the street and windows of less than 36 inches vertical are not normally acceptable.)
 - e) Building facades facing the street shall include detailing using different ridge lines, gables, roof construction, and other architectural techniques to make the façade compatible with the

neighboring structures, if any, and to make the project have intrinsic architectural interest and value. Plain facades are not normally acceptable.

- f) A minimum of 25% of the façade shall be covered with masonry or decorative block. Exterior insulation and finish systems (EIFS) may be considered to satisfy this requirement if part of an overall architectural design scheme.

11) Principal: Access to the site shall be safe.

- a) All developments shall front on a public right-of-way unless recommended by the Public Works Director.
- b) The driveway to the site shall be located so as not to be a danger to the street flow of traffic.
- c) The driveway shall not be too close to neighboring intersections.
- d) Alignment of the driveway shall be coordinated with adjacent access points to avoid conflict or confusion.
- e) Only one driveway shall be allowed per site unless recommended by the Public Works Director. Two family units may be allowed more than one driveway if those driveways are separated by not less than 10 feet. Maximum driveway openings shall be 20 feet (each).
- f) The organization of traffic flow on-site and between the site and the street shall be organized in a clear hierarchy of flow patterns. Internal and external areas where traffic flow changes directions or creates intersections shall be organized at clear intersections and those intersections are spaced far enough apart so as to not cause confusion or problems and to provide for adequate spacing for waiting vehicles.
- g) Intersections are visible and not visually screened.
- h) Adequate drainage and snow storage is provided.
- i) Minimum size requirements are maintained for safe vehicle circulation.
- j) Parking areas shall be safe. They shall be adequately lit, sized to meet minimum standards, graded so as to not be too steep, and paved with concrete, brick, or bituminous surfacing. The light source shall not be visible from adjacent properties. Lighting shall be developed in such a way to minimize light straying onto adjacent properties.

- k) Driveways shall be located to minimize the impact to adjacent properties.

12) Principal: There shall be adequate utilities to serve the site.

- a) The Public Works Director, Police Chief, and Fire Chief shall determine whether there is adequate sanitary sewer, potable water, storm drainage, street capacity, emergency access, public protection services, and other utilities to serve the proposed development. They shall review the plan to ensure safety and access for safety vehicles.

13) Principal: The privacy of the neighboring development and the proposed development shall be maintained as much as practical. Guidelines:

- a) Mechanical equipment including refuse storage shall be screened from neighboring properties.
- b) Lighting shall be located to minimize intrusion onto the neighboring properties.
- c) Sources of noise shall be located in a manner that minimizes impact to neighboring properties.
- d) New multifamily sites which abut single or single-and-two family zoned lands shall increase that sideyard and/or rearyard setback requirement(s) that abuts the single or single-and-two-family zoned area by 50% but need not exceed the maximum rear-yard setback requirements of the district.

14) Principal. Applications for exclusive multifamily residential uses.

Landscaping shall be provided or existing landscape elements shall be preserved to maintain a sense of residential character, define boundaries, and to enhance the sense of enclosure and privacy.

- a) All site plans shall at a minimum meet the guidelines contained in the parking setback landscaping standards.
- b) In addition, at least one tree per dwelling unit shall be planted outside the parking screening area (minimum size of the tree at planting shall be 1.5 inch caliper)
- c) In addition, at least one plant for each 30 inches of building facing the street shall be planted. The size of the plants shall be a minimum of 18 inches at the time of planting. The planting may be relocated to other portions of the site.
- d) Adjustments to the above requirements may be made to (1)

recognize existing landscape elements preserved on site, or (2) if in the opinion of the City Forester, more effective landscaping can be achieved on the site with regards to proper spacing, maturity, or species design.

- d) In the event any use is listed as a conditional use and a permitted use in the same district, the use shall be a permitted one.

17) Nonconforming Premises.

- a) Intent. This ordinance and districts therein, or any later amendments may create situations where use of premises and parking, yards, setbacks, heights, lot area, lot width and density previously permitted may become prohibited, regulated or otherwise restricted for the purpose of implementing community plans and development goals. It is the intent of this ordinance to permit the continuance of these nonconforming premises, but not to encourage their survival. Such nonconforming premises are declared by the ordinance to be incompatible with conforming premises in the districts involved.
- b) Existing Nonconforming Uses. A nonconforming use existing at the time of the adoption or amendment of this ordinance may be continued, but no use on such premises shall be enlarged, increased, extended, reconstructed, resumed, substituted, or altered unless the nonconformity is changed to conforming except as follows:
 - 1) If a nonconforming use is discontinued for a period of less than 12 months, the previous use may be resumed.
 - 2) Minor modifications on nonconforming uses may be approved by Zoning Administrator such as permitting substitution of a more restricted use; permitting ordinary maintenance repairs such as interior and exterior painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components; or permitting minor deviations from parking, yard, setback, height, lot width, area or density where there are special circumstances caused by the nonconformity which would deprive the subject property of privileges enjoyed by other property in the vicinity under the same zoning classification. Minor modifications are permitted only after the Zoning Administrator finds the modifications are not contrary to the public health, safety, or well-being, the modifications are compatible with surrounding uses, the modifications would not injure the neighborhood.
 - 3) Additions to structures not conforming with floodway standards are permitted provided they will not increase the amount of obstruction to flood flows, are flood-proofed by means other than the use of fill to the floor protection elevation, and would not, over the life of the structure,

exceed 50 percent of the present equalized assessment value.

- c) Where a lot of record at the effective date of this ordinance, or a lot in a subdivision which the Common Council has officially approved and agreed to accept at the time of the effective date of this ordinance, has less area or width than herein required in the district in which it is located, said lot may nonetheless be used for a one-family dwelling or for any other non-dwelling use permitted in the district in which it is located.

18) Nonconforming Lots.

Nonconforming lots greater than 10,000 square feet but less than the minimum lot requirement as calculated by the lot size standards. In any R-3, Two Family District, a two-unit building may be constructed, an existing two-unit building housing a single family per unit may be rebuilt, or an existing building may be converted to two-unit use on any legal lot of record or combination of entire lots of record recorded prior to May 1, 1996 only if that lot(s) exceeds 10,000 square feet. All other requirements of the ordinance must be met.

In any Multi-family R-4 or R-5 District, a two-unit, three-unit, or four-unit multifamily building may be constructed, an existing two-family or multi-family building may be rebuilt or an existing building may be converted to up to a four-unit use on any legal lot of record or combination of entire lots of record recorded prior to March 1, 1996 only if that lot(s) exceeds 10,000 square feet. All other requirements of the ordinance must be met with the exception that the sideyard and rearyard setbacks do not have to be increased 50% in response to the neighboring uses.

19) Temporary Building Permit Moratorium.

- a) Intent. It is the intent of this section to make available a growth management tool to the City Council and Plan Commission which could be applied with authority in critical situations. Such situations would include instances where there would be likelihood of certainty of major changes in the expected land use for an area and changes in the projected public service needs. This temporary moratorium is intended to give the City flexibility and time to consider and work out new plans, agreements, and hopefully solutions to what would be the development of a major problem(s) originally unforeseen.
- b) Preliminary Determination. When the Zoning Administrator determines that a proposed use would constitute a significant problem related to health, safety, conflict with an existing or proposed public use or facility, or would exceed the capacity of a public facility, the issuance of the Land Use Permit may be temporarily suspended by the Zoning Administrator. This determination by the Zoning Administrator shall be made only after consultation with the City's Planning and Public Works staff or other appropriate persons and officials. Such suspended application shall be placed on the next agenda of the Plan Commission

and Common Council succeeding such Plan Commission meeting. If the Zoning Administrator's decision on such permit is not upheld, the Permit shall be issued provided all other ordinance provisions are complied with.

- c) Final Determination. If the Common Council upholds the Zoning Administrator's preliminary determination on the denial of a Land Use Permit, the City Council can extend the Permit moratorium for a period not to exceed six (6) months from the date of permit application, during which time the City and the applicant shall make arrangements to deal with the problems that would be induced by the proposed use.

20) Setback From Planned Streets.

Setback from planned streets or streets proposed to be widened. There shall be a minimum setback of forty (40) feet from the existing or proposed right-of-way line of all existing or planned streets proposed to be widened.

21) Temporary Buildings.

Temporary buildings are permitted only 1) if they are associated with permitted construction projects and only during the time of construction, or 2) are approved by the Inspection Department or the Common Council after determining the request is consistent with the Conditional Use Standards contained in this ordinance.

23.02 ZONING DISTRICTS:

1) Conservancy and Residence Districts

a) "C" Conservancy District

- 1) Intent. This district is established to provide protection to environmentally-sensitive lands such as flood plains, wetlands, shorelands, well fields, airport fringe lands and fringe lands remote from City services and access. The district is also intended to be applied as a means of regulating the timing and direction of land development in accordance with the City's Comprehensive Plan.
- 2) Permitted Uses.
 - a) Truck gardening, field crops, hay fields, garden plots
 - b) Docks, piers, wharves, boat landing ramps
 - c) Public parks, playgrounds and athletic fields
 - d) Study and research of plant material, fish and wildlife
 - e) Bicycling and hiking trails
 - f) Railroad rights-of-ways excluding switching, storage, freight yards or sidings
 - g) Public roads and streets
 - h) Tree plantations and orchards
 - i) Accessory uses except parking lots
- 3) Conditional Uses.
 - a) Open space leisure, instructional, or recreational activities requiring disruption of natural conditions including the placement of structures or devices not natural to the area.
 - b) Any utility structure, substation, transmission line, or pipeline.
 - c) Dams, dikes, drainage channels, reservoirs and other structures or devices for the control of flowing or standing water.
 - d) Private roads or streets
 - e) Any public or private filling, grading, lagooning, or dredging
 - f) Campgrounds and lodges of civic or fraternal organizations
 - g) Shooting ranges, and archery target ranges
 - h) Golf courses and the following accessory uses: clubhouses, pro-shops, restaurant and bar, swimming pool, tennis court, and any other activity allowed by the Plan Commission and City Council as an accessory use.
 - i) Accessory uses
 - j) Parking lots accessory to a permitted use
 - k) Industrial pipelines
 - l) Municipal service and operational facility

- 4) Minimum Performance Standards for the "C" District. These standards are intended to promote the health, safety and general welfare of the public through the protection of water quality, prevention or erosion and siltation, and the preservation of natural open spaces and plant material for the maintenance of aesthetic living environment and the maintenance of air quality. Trees and shrubbery. The cutting of trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of pollutants and nutrients from the shoreland. Trees and shrub cutting shall be governed by consideration of the effect on water quality and basic aesthetic quality and be in accord with accepted timber management practices. These provisions shall not apply to the removal of dead, diseased or dying trees, or to silvicultural thinning upon recommendation of the City Forester. Commercial harvesting of trees shall be in accord with accepted forest management practices and the other specified standards of this section. To accomplish this, a cutting plan for any commercial harvesting shall be submitted to the City Forester for approval prior to such harvesting. Commercial harvesting of trees is not permitted within the Shoreland setback area. The utilization of any conservancy zoned lands shall be subject to the "conservation standards" as defined by this ordinance.

“C” CONSERVANCY DISTRICT

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|--------------------|--|-----------|---------------------|-----------|----------------|-----------|---------------|-------------------|
| All permitted uses | 8,000 sq. ft. | 0 | 40 ft. | 30 ft. | 50 ft. | 50 ft. | Per 23.01(14) | 0 |
| Conditional uses | As set by the Plan Commission and City Council | | | | | | | |

b) "R-LD" Low Density Residence District

- 1) Intent. This district is established to provide for low density residential land usage and accessory uses particularly in fringe areas of the City to reduce the need for and cost of public services such as sewer and water, or to be applied in those areas of the City where natural environmental conditions present physical development problems such as from high ground water, bedrock, clay soils, etc. A further purpose is to help preserve the open space and natural scenic and ecological qualities in special areas such as along shorelines, wetlands, bluffs, community parks or other areas identified by the Plan Commission and otherwise consistent with the City's Comprehensive Plan.
- 2) Permitted Uses.

- a) Permitted uses in "C" District except truck gardening
 - b) Single Family dwellings
 - c) Home occupations/Professional home offices
 - d) Tennis courts
 - e) Churches, convents, chapels, temples, synagogues, parish or rectory houses.
 - f) Fire and police stations
 - g) Accessory uses
 - h) Filling of property
 - i) Family day care centers
- 3) Conditional Uses.
- a) Conditional uses in "C" District except campgrounds and shooting ranges
 - b) Accessory uses.
 - c) Industrial pipelines
 - d) Private garage intended for storage of automobiles and other personal property owned by the property owner and specifically related to a permitted residential use.
 - e) Large group day care centers
 - f) Public and parochial elementary schools
 - g) Churches, convents, chapels, temples, synagogues, parish or rectory houses if the proposed setback does not meet overlying district standards.
 - h) Infilling of building space on a property, where the current building setback is not in conformance.
- 4) Minimum Performance Standards for the "R-LD" District:

Side Yard, Street Setback, Rear Yard

The Common Council may establish setback requirements for schools or churches or Community or Senior Centers, less than the overlying district requirement but not less than 10 feet street setback. The Common Council may establish the setback based upon functional design of the proposed building setback of neighboring properties, impact on neighborhood open space, future road requirements, alternative structural designs, building facade, public input, as well as other factors. The school and church setback is carried forward to higher zoning districts.

“R-LD” LOW DENSITY RESIDENCE DISTRICT:

| Use | Lot Area and Density | Lot Width | Height of Structure | Side Yard | Street Setback | Rear Yard | Parking | Area of Structure | Minimum Building Width |
|--------------------------|--|-----------|---------------------|-----------|----------------|-----------|------------------|-------------------|------------------------|
| Permitted Uses | 1 fam./lot 1 unit/lot provided lot is 2 acres | 130 ft. | 40 ft. | 30 ft. | 50 ft. | 50 ft. | Per 23.01(14) | 900 Sq. Ft. | 22 Ft, |
| All Other Permitted Uses | 8,000 sq.ft. Lot area | 0 | | | | | | 0 | |
| Cond. Uses | As set by the Plan Commission and City Council | | | | | | | | |

c) "R-1" Suburban Single Family Residential

- 1) Intent. This district is established to provide for neighborhoods of moderate density single family residential land usage and accessory uses. This district is to be located consistent with the City's Comprehensive Plan.
- 2) Permitted Uses. Permitted uses in "R-LD" Low Density District
- 3) Conditional Uses.
 - a) Conditional Uses in "R-LD" District
 - b) Gardening and community garden plots
 - c) Public or institutional community center, senior center, youth center or library
 - d) Junior and Senior High Schools and Publicly-Owned and Operated Technical Schools
 - e) Group homes not including half-way houses and correctional facilities as defined in SS 302.30, 302.45, 301.14, and 59.07(76) or as amended,
 - f) Accessory uses
 - g) Industrial pipelines
- 4) Minimum Performance Standards for the "R-1" District:

Side Yard, Street Setback, Rear Yard

The Common Council may establish setback requirements for schools or churches or Community or Senior Centers, less than the overlying district requirement but not less than 10 feet street setback. The Common Council may establish the setback based upon functional design of the proposed

building setback of neighboring properties, impact on neighborhood open space, future road requirements, alternative structural designs, building facade, public input, as well as other factors. The school and church setback is carried forward to higher zoning districts.

“R-1” SUBURBAN SINGLE FAMILY RESIDENCE DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE | MIN. BLDG. WIDTH |
|--------------------|----------------------|--|---------------------|---|----------------|----------------|---------------|-------------------|------------------|
| Permitted Uses | Minimum 16,500 s.f. | Minimum 105' (lots of irregular shape due to street layout shall be a minimum of 100' at front bldg. Line) | 35 ft. | Total of 25', one side not less than 12 ft. | Minimum 30 ft. | Minimum 30 ft. | Per 23.01(14) | 1,200 sq.ft. | 22 ft. |
| Accessory Building | | | 20 ft. | 10 ft. | 30 ft. | 10 ft. | | | |

d) "R-2" Single Family Residence District

- 1) Intent. This district is established to provide the population density and used primarily for single family living, which is expected to accommodate the numerous residential developments already at the density of this district, and this district would accommodate other housing not on City sewer. This district is to be located consistent with the City's Comprehensive Plan.
- 2) Permitted Uses.
 - a) Permitted uses in "R-1" District
 - b) Private non-commercial recreational areas and facilities
 - c) Cemeteries
 - d) Accessory uses
 - e) Filling of property
- 3) Conditional Uses.
 - a) Conditional uses in "R-1" District
 - b) Gardening and community garden plots
 - c) Public or institutional community center, senior center, youth center or library
 - d) Junior & Senior High Schools and Publicly-Owned & Operated Technical Schools
 - e) Group homes exclusive of half-way houses, but not to exceed 2,000 square feet

- f) Accessory uses
 - g) Industrial pipelines
 - h) Municipal Nursing Homes
 - i) Accessory buildings less than 10' and greater than 2' from principal building may be less than the side yard setback but not closer than 3' from the side or rear lot line if located in the rear 35% of the lot.
 - j) Single Family Building on Corner Lots of 50 ft. Width or Less. The Common Council may establish street or side yard requirements less than the overlying district requirement but not less than 15 feet street setback. The Common Council may establish the setback based upon functional design of the proposed building, setback of neighboring properties, on-site parking, impact on neighborhood open space, future road requirement, alternative structural design, building facade, public input, as well as other factors.
- 4) Minimum Performance Standards for the "R-2" Single Family District.

Side Yard, Street Setback, Rear Yard

On lots 55 ft. wide or less, 8 ft. minimum side yard for each side of buildings not over 2 ½ stories.

The Common Council may establish setback requirements for schools or churches or Community or Senior Centers, less than the overlying district requirement but not less than 10 feet street setback. The Common Council may establish the setback based upon functional design of the proposed building setback of neighboring properties, impact on neighborhood open space, future road requirements, alternative structural designs, building facade, public input, as well as other factors. The school and church setback is carried forward to higher zoning districts.

“R-2” SINGLE FAMILY RESIDENCE DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE | MIN. BLDG. WIDTH |
|----------------|--|-----------------------------------|-----------------------------------|--|--|---|---------------|-------------------|------------------|
| Permitted Uses | 1 fam./unit 1 unit/lot provided lot is 8,000 sq.ft. | 60 ft., 80 ft. For corner lots | Not over 35' nor over 2 ½ stories | 20 ft. Total of both sides, one side not less than 8' for buildings not over 2 ½ stories | 25 ft. On corner lots with 50' of frontage and less, street setback 25' and 20' | Not less than 20% of lot depth but not less than 15' and need not exceed 30 ft. | Per 23.01(14) | 900 sq. ft. | 18 ft. |
| All other | 8,000 sq.ft. | | 35 ft. | 20 ft. | | 30 ft. | | 0 | |

| | | | | | | | | | |
|----------------|---|--|--|--|--|--|--|--|--|
| permitted uses | | | | | | | | | |
| Cond. Uses | As set by the Plan Commission and City Council. | | | | | | | | |

e) "R-3" Single and Two Family Residence District

- 1) Intent. This district is established to provide for both single family residences and two family residences intended particularly to act as a transition district between lower intensity uses such as permitted in "C", "R-1" and "R-2" districts and higher intensity districts, consistent with the City's Comprehensive Plan. This district is intended to be provided for all lands where sewer and water is or will be required.
- 2) Permitted Uses.
 - a) Permitted uses in "R-2" District
 - b) Two family dwellings
 - c) Accessory uses
 - d) Filling of property
 - e) Single family zero lot line dwellings provided that the building to be divided is constructed as one building with one common wall and that the minimum lot size of each lot to be created shall meet the minimum lots size standards for zero lot dwellings and that the lots shall be created by certified survey.
- 3) Conditional Uses.
 - a) Conditional uses in "R-2" District
 - b) Governmental administrative facilities as municipal halls.
 - c) Museums
 - d) Accessory uses
 - e) Industrial pipelines
 - f) Single family zero lot line dwellings which do not share a common wall.
 - g) Single Family zero lot line dwellings - existing buildings which were originally built as a duplex building and which share one common wall and which have less than the minimum lot size requirements contained in this ordinance - Lot Size and Density, Lot Width, Side Yard, and Rear Yard to be determined by Common Council at time of request.
 - h) Bed & Breakfast Establishments/Maximum of four rooms/one family per room.
 - i) Dance Studio
 - j) Hospitals and Accessory Uses
 - k) Rest Homes

4) Minimum Performance Standards for the "R-3" District

- a) Sideyard setbacks for zero lot line developments (Conditional Use 3,F). The sideyard setback may be zero (0) for a single family unit on one side of the lot provided that the lot abutting the zero (0) sideyard setback is held under the same ownership at the time of initial building construction.

When the zero (0) foot setback provision is utilized, the setback must be zero. Setbacks greater than 0 feet and less than 12 feet are not permitted.

The opposite (to the zero setback) sideyard setback shall be a minimum of 12 feet.

Any sideyard setback abutting a lot under different ownership shall be a minimum of 12 feet.

The Plan Commission and Common Council reserve right to attach any additional conditions to zero lot line development as authorized under Sec. 23.01(16)3. Of the Zoning Ordinance.

“R-3” SINGLE AND TWO FAMILY RESIDENCE DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE | MIN. BLDG. WIDTH |
|--|---|--|--|---|---|--|-------------------|-------------------|------------------|
| Permitted Uses Single Family Dwellings | 1 family/lot 1 unit/lot, provided lot is 8,000 sq. ft. | 60 ft., 80 ft. For corner lots | Not over 35 ft. Nor over 2 ½ stories | Minimum of 7 ½' on each side for buildings not over 2 ½ stories | 25 ft. On corner lots with 50' of frontage and less, street setback 25' and 20' | Not less than 20% of lot depth, but not less than 15 ft. And need not exceed 30 ft. | Per 23.01(14)' | 900 sq. Ft. | 18 ft. |
| Two Family Dwellings | 2 attached units per lot provided lot is 15,000 sq. ft. | 100' for new lots after 3/21/07 | | | | | | | |
| Zero Lot Line - Common wall | 1 family/lot 1 unit/lot provided lot is 7,000 sq. ft. | 50' | | | | | | | |
| All other permitted uses | 8,000 sq. Ft. | | 35 ft. | 15 ft. | | 30 ft. | | 0 | |
| Conditional Uses: Single Family Zero Lot Line | 1 family/lot 1 unit/lot provided lot is 7,000 | 50 ft., 70 ft., for corner | Not over 35 ft. Nor over 2 ½ stories | Per. 23.02(e)4.a . | | Not less than 20% of lot depth, but | | | |

| | | | | | | | | | |
|----------------------------|--|------|--|--|--|---|--|--|--|
| Dwellings | sq. ft. | lots | | | | not less than 15 ft. And need not exceed 30 ft. | | | |
| All other conditional uses | As set by Plan Commission and City Council | | | | | | | | |

The Common Council may establish setback requirements for schools, churches, community and senior centers, and hospitals, less than the zoning district requirements. The Common Council may establish the setback based upon functional design of the proposed building setback of neighboring properties, impact on neighborhood open space, future road requirements, alternative structural designs, building facade, public input, as well as other factors. The school, church, community or senior center, and hospital setback is carried forward to higher zoning districts.

f) "R-4" Multiple Family I Residence District

1) Intent. This district is established to provide a medium density, mixed residential district intended to provide a transition between lower density detached housing areas and more intense non-residential land usage consistent with the City's Comprehensive Plan.

2) Permitted Uses.

- a) Permitted uses in "R-3" District
- b) Religious and charitable institutions
- c) Private clubs, lodges, fraternities, sororities except those the principal use of which is a service customarily carried on as a business
- d) Funeral homes
- e) Accessory uses
- f) Filling of property
- g) Large group day care centers

3) Conditional Uses

- a) Conditional uses in "R-3" District except single family zero lot line dwellings and except accessory buildings as a conditional use.
- b) Multiple dwellings (three units or more)
- c) Accessory uses
- d) Industrial pipelines
- e) Bed & breakfast establishments/maximum of 4 rooms/one family

- per room
- f) Temporary housing
- g) Rest homes, nursing homes, and homes for the aged
- h) Inn

4) Minimum Performance Standards for the "R-4" District

"R-4" MULTIPLE FAMILY I RESIDENCE DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE | MIN. BLDG. WIDTH |
|--------------------------|---|-----------------------------------|---------------------|---------------------|----------------|---|---------------|----------------------------------|------------------|
| Dwellings | One Unit Dwelling: 8,000 s.f. Min. Two Unit Dwelling: 12,000 s.f. Min. 3-4 Unit Dwelling: 15,000 s.f. Min. 2,000 s.f. of lot area per person not a member of resident family in development with 1-4 units. 5-9 Units: Ground floor - 3,500 s.f. /1st fl. +100 s.f./bdm. Above gr. fl. - 2,600 sq. Ft. + 100s.f./bdm. 10-23 Units: Ground floor - 3,700 s.f. + 100s.f./bdm. Above gr. fl. - 2,900 s.f. + 100 s.f./bdm. 24+ Units: Ground floor - 4,100 s.f. + 100 s.f./bdm. Above gr. fl. - 3,300 s.f. + 100 s.f./bdm. | 60 ft., 80 ft. For corner lots | 45 ft. Or 4 stories | 10 ft. On each side | 25 feet | Not less than 20% of lot depth, but not less than 15 ft. And need not exceed 30 ft. | Per 23.01(14) | One family dwelling - 900 sq.ft. | 18 ft. |
| All other Permitted Uses | 8,000 sq.ft. | | | | | 30 ft. | | | |
| Cond. Uses | 3 or more units shall be required to submit a site plan, building elevations, and landscaping plans prior to Cond. Use. Review. | | | | | | | | |

g) "R-5" Multiple Family II Residence District

- 1) Intent. This district is established to provide a mixed-use district of high density living that permits hi-rise housing and also allows a variety of non-residential office-type or professional service uses. It is intended that this district will generally be acceptable as a buffer use between lower density residential uses and commercial industrial uses, and in areas

capable of handling higher traffic volumes and areas subject to higher land values than in lower density residential zones with such districts located consistent with the City's Comprehensive Plan.

2) Permitted Uses.

a) Permitted uses in "R-4" District except single family residences.

b) Professional and medical offices that do not conduct any retail or wholesale operation from the premise except for incidental sales not significant in the operation of the business, such as:

- 1) Accountants
- 2) architect
- 3) art, music, and dance studios and shops
- 4) artist and photographer's studios
- 5) pottery shops not over 1,000 sq. ft.
- 6) barber and beauty shops
- 7) engineer's offices
- 8) medical and dental offices
- 9) insurance offices
- 10) business and tax consultants
- 11) salesman's offices
- 12) law offices
- 13) offices for professional and interest group associations
- 14) real estate offices
- 15) union offices

c) Accessory Uses.

d) Filling of property

3) Conditional Uses

- a) Conditional uses in "R-4" District
- b) Bus depot
- c) YMCA and YWCA
- d) Mobile home park
- e) Credit Unions and banks
- f) Single family dwelling
- g) Military Reserve and National Guard training installations or armories and grounds
- h) Accessory uses
- i) Industrial pipelines
- j) Parking lots serving any commercial use and not exceeding 50 spaces.

- k) Facilities of a commercial nature which sell gift-type items which are made by senior citizens or other organized public or semi-public groups. Such items can be either homemade or made in craft shops of facilities such as senior center, YMCA, YWCA, schools, or other similar institutional facilities. Such commercial facility shall not be free standing on a site, but must be a subordinate use of a non-profit larger institutional facility such as a senior center.
- l) Upholstery Repair Shop

4) Minimum Performance Standards for the "R-5" District:

“R-5” MULTIPLE FAMILY II RESIDENCE DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE | MIN. BLDG. WITH |
|-----------|---|--------------------------------|---------------------|---------------------|---|-----------|---------------|-------------------|---|
| Dwellings | <p>One Unit Dwelling: 8,000 s.f. min.</p> <p>Two Unit Dwelling: 12,000 s.f. min.</p> <p>3-4 Unit Dwelling: 15,000 s.f. min.</p> <p>2,000 s.f. of lot area per person not a member of resident family in developments with 1-4 units</p> <p>5-9 Units: Ground Floor - 3,500 s.f./1st floor 100 s.f./bdrm. Above ground floor - 2,600 s.f. + 100 s.f./bdrm.</p> <p>10-23 Units: Ground Floor - 3,700 s.f. + 100 s.f./bdrm. Above ground floor - 2,900 s.f. + 100 s.f./bdrm.</p> <p>24+ Units: Ground Floor - 4,100 s.f. + 100 s.f./bdrm. Above ground floor -</p> | 60 ft., 80 ft. For corner lots | 85 ft. | 10 ft. On each side | 25 ft. Except where the dwelling or structure abuts a pedestrian mall as created by the City under SS 66.298 where the Council may reduce the setback to 0 feet | 20 ft. | Per 23.01(14) | 0 | 18 ft. Unless manufactured home located in mobile home park |

| | | | | | | | | | |
|--------------------------|---|--|--|--|--|--|--|--|--|
| | 3,300 s.f. + 100 s.f./bdm. | | | | | | | | |
| All Other Permitted Uses | 8,000 s.f. | | | | | | | | |
| Cond. Uses | 3 or more units shall be required to submit a site plan, building elevations, and landscaping plans prior to Cond. Use Review | | | | | | | | |

h) “R-TND” Traditional Neighborhood Development Overlay District

1) Intent. The purpose of this district is to allow the development and redevelopment of residential land in the city consistent with the design principles of traditional neighborhoods. A traditional neighborhood is compact, designed for the human scale, and characterized by larger homes on smaller lots with smaller setbacks from the property lines. Other purposes include:

- a) To promote the public health, safety, morals, comfort, convenience, prosperity, and general welfare of the City neighborhoods.
- b) To establish a method to allow modest adjustments to the underlying zoning district setback requirements while balancing the proposal with the impact on neighborhood properties.
- c) To provide adequate light, air, privacy and convenience of access to property.
- d) To prevent the overcrowding of land.
- e) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- f) To conserve and enhance the taxable value of land and buildings.
- g) To encourage the most appropriate use of land throughout the City and environs.
- h) To protect the character and maintain the stability of residential areas within the City and environs, and to promote the orderly and beneficial redevelopment of such areas.
- i) To evaluate such additions to, and alterations or remodeling of, existing buildings or structures
- j) To define the powers and duties of the administrative officers and bodies as provided hereinafter.

1.1) Application of Regulations

The regulations specified in this R-TND Traditional Neighborhood Development Overlay District shall apply only to lands as described below and which also lie within the City of Stevens Point Corporate Limits.

W ½ of the NW ¼ of Section 4; NE ¼ of Section 5; S ½ of Section 29; SE ¼ of Section 30; E ½ of Section 31; All of Section 32; & W ½ of W ½ of Section 33; all in T24N R8E, City of Stevens Point, Portage County, Wisconsin.

- 2) Permitted Uses: as allowed in the underlying zoning district

All setback requirements of the underlying district apply

- 3) Conditional Uses as allowed in the underlying zoning district

The Common Council may consider the following conditional use setback requirements as an alternative to the setback requirements in the underlying zoning district. These conditional use setback requirements shall be applied only to single family uses.

Conditional Use Setback requirements:

- Primary Structure
 - Front street yard - 12 feet
 - Corner street side yard – 12 feet
 - Interior side yard – 4 feet
 - Rear yard – 15 feet
- Garage (attached)
 - Front street yard – 20 feet
 - Corner street side yard – 12 feet, with no access to a public street
 - Interior side yard – 4 feet
 - Rear yard – 15 feet
- Accessory Building (detached)
 - Street front setback – 20 feet
 - Corner side yard – 12 feet, with no access to a public street
 - Interior side yard – 1 foot
 - Rear yard – 1 foot

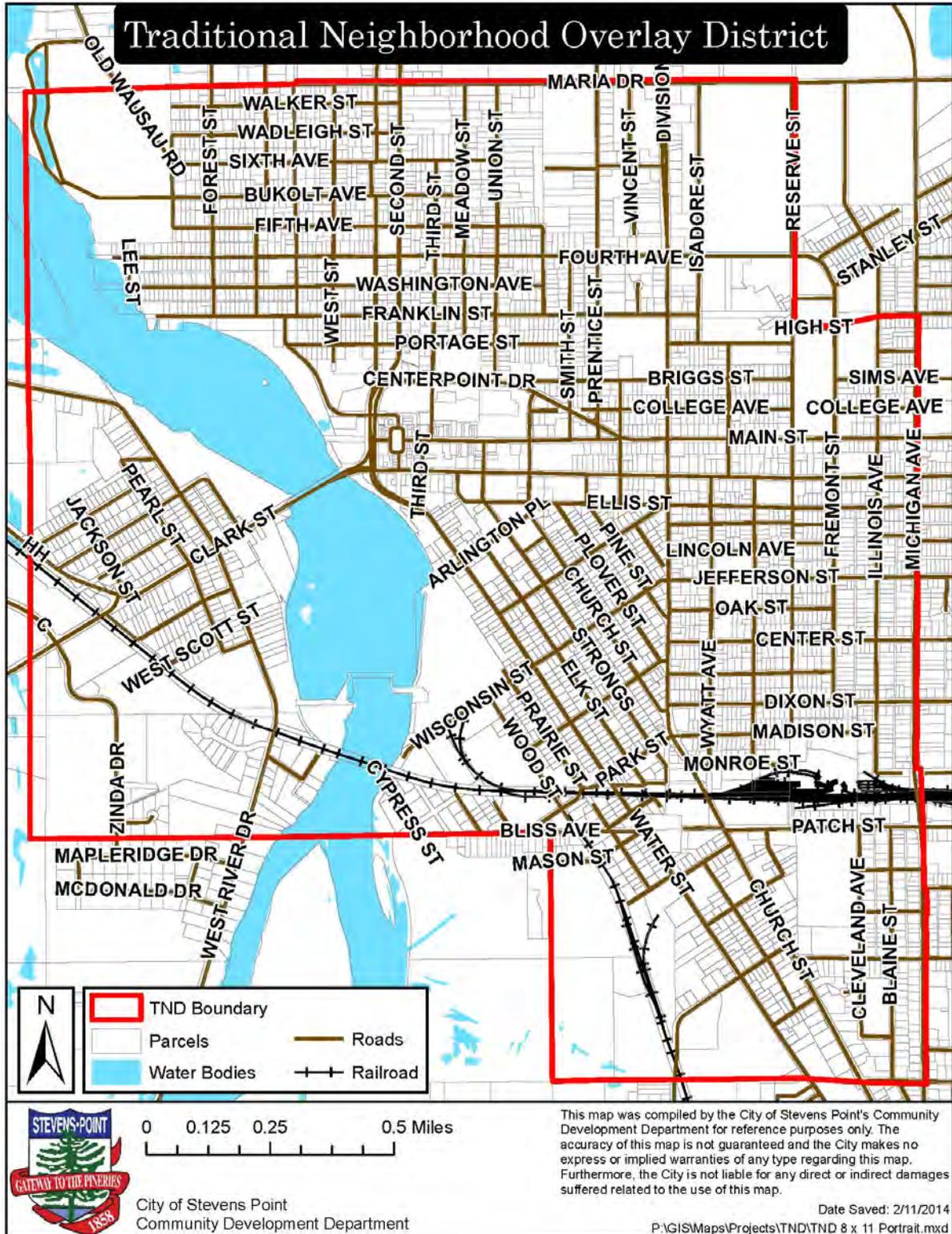
The Corner side yard is the side yard adjoining the street on a lot bounded on two or more sides by public right of way. As applied in this conditional use, the Common Council shall define the primary facade of the home as being the front yard and the secondary facade of the home as the side yard.

The following design standards shall be incorporated into each development and will be utilized in the review of conditional use. A

conditional use is not automatically allowed. A balance is required between allowing remodeling or modest additions to structures while not unduly affecting the neighboring property owner's enjoyment of open space and light.

- a) The proposed structure shall fit the overall character of the neighborhood. Neighborhood character includes the conformity or nonconformity of buildings in the immediate neighborhood with the setback requirements. Neighborhood character also includes the physical characteristics of the buildings in the immediate neighborhood including such elements as windows, exterior finishes, roof pitch, height of buildings, the diversity or homogeneity of architectural styles, porches, location of garages, density, and the like.
- b) In no case shall the front facade of the building consist of a blank wall or a series of garage doors.
- c) Developers shall vary design elements to avoid monotonous facades.
- d) One ground floor entry shall be oriented to the front of the lot on a public or private street.
- e) Garages shall be sited in several ways:
 - 1) In the rear yard, either attached or detached, accessed from a public street or an alley.
 - 2) Accessed from a public street with the garage doors facing the public street provided it be set back a minimum of two (2) feet from the front façade of the building.
- f) Consideration shall be given to the impact of the proposed addition on neighboring light, ventilation, and privacy from existing windows and yards.

R-TND Traditional Neighborhood Development Overlay District Map



2) Business Districts

a) "B-1" Neighborhood Business District

1) Intent. This district is established to provide only those establishments which supply convenience goods, and professional or personal services. These districts are intended to generally serve an area less than City-wide and to be allowed only at major traffic intersections and the total extent of such district to be limited to within an immediate zone of such intersections consistent with the City's Comprehensive Plan.

2) Permitted Uses.

a) Permitted uses, the "R-5" District except two-family dwelling units.

b) Neighborhood business uses such as:

- 1) Gift stores and antique stores
- 2) Restaurants not over 3,000 square feet
- 3) Dry cleaning or laundromats not over 3,000 sq.ft.
- 4) Second-hand or resale stores
- 5) Key shops
- 6) Hobby shops
- 7) Drug stores, pharmacy soda fountains, tobacco shops
- 8) Florist shops
- 9) Shoe repair
- 10) Hardware stores and lawn and garden shops not over 3,000 sq. ft.
- 11) Bakery not over 1500 sq. ft.
- 12) Furniture and upholstery repair shops
- 13) Tailor shops
- 14) Candy stores, ice cream shops
- 15) News stands
- 16) Pet shops and supplies, taxidermists
- 17) Vending machines
- 18) Single family residences if attached to a permitted use and occupied by the owner or manager as a permitted use
- 19) Bridal shops
- 20) Copy and duplicating services
- 21) Pottery shops not over 1,000 sq. ft.
- 22) Branch banks

- c) Accessory Uses
- d) Filling of Property

3) Conditional Uses

- a) Conditional Uses in "R-5" District
- b) Carry-out beer and liquor
- c) Bowling alleys
- d) One and two family dwelling units
- e) Taverns and night clubs
- f) Gas and service stations
- g) Credit Unions and Bank
- h) Accessory uses
- i) Industrial pipelines
- j) Off-premise sign/billboard
- k) Convenience food retail outlets not exceeding 3,000 square feet
- l) Car/Truck Wash
- m) Expansion of existing mini-warehouse improvements
- n) Greenhouse & Nurseries

4) Minimum Performance Standards for the "B-1" District:

“B-1" NEIGHBORHOOD BUSINESS DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|----------------|--|--------------------------------------|---------------------|---------------------|----------------|-----------|---------------|-------------------|
| Permitted Uses | 2650 sq.ft. Lot area per ground floor unit plus an additional 50 sq.ft. Per bedroom; 770 sq. Ft. lot area/unit above 2nd floor having balcony plus an additional 50 sq.ft. Per bedroom Dwellings shall have a minimum lot area of 8,000 sq. ft. | 60 ft., 80 ft. For corner lots | 35 ft. | 10 ft. On each side | 20 ft. | 20 ft. | Per 23.01(14) | 0 |
| | | | | | | | | |

| | | | | | | | | |
|--------------------------|---|--|--|--|--|--|--|--|
| All other permitted uses | 8,000 sq.ft. | | | | | | | |
| Cond. Uses | As set by the Plan Commission and City Council. | | | | | | | |

b) "B-2" Central Business Transition District (CBD Transition)

1) Intent. It is intended that this district be applied on the fringe of the City's Central Business District for the following purposes:

- a) To accommodate existing, new and relocated land uses which are compatible with the retail core area.
- b) To provide a commercial district of intermediate intensity which will provide a buffer zone between the retail core and residential neighborhoods.

2) Permitted Uses.

a) Commercial and services uses such as:

- 1) Permitted uses of the "B-1" District
- 2) Security and commodity brokers and services
- 3) Credit unions
- 4) Insurance agents, brokers and services
- 5) Real estate operators and lessors
- 6) Real estate agents and managers
- 7) Title abstract offices
- 8) Subdividers and developers offices
- 9) Holding and other investment offices
- 10) Photographic studios, portrait
- 11) Beauty shops
- 12) Barber shops
- 13) Shoe repair and hat cleaning shops
- 14) Funeral service and crematories
- 15) Miscellaneous personal services
- 16) Advertising agencies
- 17) Credit reporting and collection
- 18) Mailing, reproduction, and stenographic
- 19) Building maintenance services
- 20) Employment services
- 21) Temporary help supply services
- 22) Personnel supply service

- 23) Computer and data processing service
- 24) Research and development laboratories
- 25) Management and public relations
- 26) Detective and protective services
- 27) Equipment rental and leasing
- 28) Photo-finishing laboratories
- 29) Commercial testing laboratories
- 30) Miscellaneous business services
- 31) Watch, clock, and jewelry repair
- 32) Re-upholstery and furniture repair
- 33) Theatrical producers and services
- 34) Arts, music and dance studios
- 35) Miscellaneous arts and crafts shops
- 36) Entertainers and entertainment groups offices
- 37) Offices of physicians
- 38) Offices of dentists
- 39) Offices of osteopathic physicians
- 40) Office of chiropractors
- 41) Offices of optometrists and ophthalmologists
- 42) Offices of other health practitioners
- 43) Medical, dental, and optical laboratories
- 44) Outpatient care facilities
- 45) Health and allied services
- 46) Legal services
- 47) Individual and family services
- 48) Job training and related services
- 49) Child day care services
- 50) Residential care services
- 51) Miscellaneous social services
- 52) Business associations
- 53) Labor organizations
- 54) Civic, fraternal, and social organizations
- 55) Political organizations
- 56) Religious organizations
- 57) Engineering and architectural services
- 58) Noncommercial research organizations
- 59) Accounting, auditing, and bookkeeping
- 60) Parking facilities (not including private facilities operated as a business)
- 61) Governmental administrative and service uses
- 62) Antique shops
- 63) Restaurants. This includes facilities with cocktail lounges, but where the restaurant use is the primary activity. Restaurant do not include "drive-in" facilities where food is primarily to customers in motor vehicles

- 64) Grocery stores and supermarkets
 - 65) Laundromats & dry cleaning, except industrial dry cleaning
 - 66) Second-hand or resale stores
 - 67) Key and lock shops, security services
 - 68) Drug stores and pharmacies
 - 69) Florist shops
 - 70) Hardware stores, and lawn and garden stores
 - 71) Bakeries
 - 72) Tailor shops, rental clothing outlets, and bridal shops
 - 73) Newsstands
 - 74) Pet shops and sales of related supplies
 - 75) Blueprinting and copy services
 - 76) Commercial printing, publishing, bookbinding, and related businesses
 - 77) The retail sales of products or supplies
- b) Filling of property.

3) Conditional Uses Such As:

- a) Drive-up banking facilities and branch banks
- b) Repair services not allowed or "permitted uses" in paragraph a)
- c) Non-municipal bus terminals
- d) YMCA and YWCA
- e) Private parking facilities operated as a business
- f) Taverns and cocktail lounges not part of a restaurant
- g) Liquor stores
- h) Gas and service stations
- i) Training and educational facilities for business, trade and professional occupations
- j) The retail sale of products or supplies which are necessary to any conditional, but that such retail sales be incidental to such conditional use
- k) All conditional uses allowed in the "B-1" District
- l) Half-way houses and correctional facilities as defined in Wisconsin State Statutes Chapter 302 and 59.54(14) or as amended.
- m) Small-scale alcohol production facilities

4) Minimum Performance standards for the "B-2" District:

"B-2" CENTRAL BUSINESS TRANSITION DISTRICT: (CBD Transition)

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|----------------|--|------------------------|---------------------|------------------------|----------------|-----------|---|-----------------------|
| Permitted Uses | 2,650 Sq. Ft. Lot area/ground floor unit plus | 40 ft. - 60 ft. For | 35 ft. | 0 ft. - 10 ft. if yard | 5 ft. | 10 ft. | Parking stall ratios exempt - 0 for all | 0 More restrictive |

| | | | | | | | | |
|--------------------------|--|-------------|--|--------------------------|--|--|---|--------------------------|
| | <p>an additional 50 sq.ft. /bdrm.</p> <p>870 sq.ft. Lot area/above ground floor unit plus an additional 50 sq.ft./bdrm.</p> <p>770 sq.ft. Lot area/unit above 2nd floor having balcony plus an additional 50 sq.ft./bdrm.</p> <p>2,000 sq.ft. Of lot area/person not a member of the resident family in developments with 1-4 units. In no case shall a dwelling have less lot area than 10,000 sq.ft.</p> | corner lots | A greater height is permissible with a fire prevention system approved by the Fire Dept. And C.D. Dir. | abuts residence district | | | uses. All other pertinent requirements in 23.01 (14) shall apply. | State codes would apply. |
| All other permitted uses | 5,000 sq. Ft. | | | | | | | |
| Cond. Use | As set by the Plan Commission and City Council. | | | | | | | |

c) "B-3" Central Business District (CBD)

1) Intent. This district is established to provide a single contiguous district encompassing the central business district or downtown area which will encourage primarily retail uses and a variety of supporting uses. This district is intended to help implement the community's specialized development goals and planning principles, for the CBD, particularly the development and maintenance of the downtown area as a specialized pedestrian-oriented shopping and community center.

2) Permitted Uses.

- a) Permitted uses in the "B-2" District
- b) Motor vehicle, marine, sales and repair but not, salvage, wrecking, storage or junking operations.
- c) Household equipment sales and service
- d) Department stores and discount variety stores
- e) Retail stores

- f) Movie theaters
 - g) Financial, business, professional and medical institutions
 - h) Banks, savings and loans, brokerage institutions, insurance companies, credit unions
 - i) Coin shops, bookstores, arts and crafts
 - j) Laundry and dry cleaning
 - k) Bus depot, taxi stands and taxi cab operations
 - l) Restaurants, beer and liquor stores
 - m) Indoor commercial recreational enterprises, excluding facilities such as, arenas, icedromes and similar facilities
 - n) Commercial and public parking lots and ramps
 - o) Private clubs, lodges, charitable and non-profit organizations
 - p) Furniture, carpet, appliance and auto supplier stores
 - q) Blueprinting and photostating establishments
 - r) Printing, publishing, engraving and bookbinding
 - s) Photo studios
 - t) Military recruiting services
 - u) Used car lot
 - v) Bicycle sales and service
 - w) Plumbing, heating, electrical, lighting, and paint sales and service
 - x) Post Office
 - y) Cemetery monument sales
 - z) Travel Bureaus
 - aa) Sales of hardware, building, lawn and garden supplies excluding lumber yards
 - bb) Preparation and sale of stone for cemetery monuments
 - cc) Farmer's markets, bazaars, open space markets in the public square only

 - dd) Cosmetology and barber colleges
 - ee) Accessory uses
 - ff) Filling of property
- 3) Conditional Uses.
- a) Conditional Uses in "B-2" District
 - b) Gas and service stations
 - c) Ice and/or coal dealers
 - d) Experimental testing or research laboratories
 - e) Wholesale and distributing and warehousing establishments
 - f) Repair shops
 - g) Auditoriums, arenas, icedromes and similar facilities
 - h) Shopping centers
 - i) Hotel and motel facilities including other directly related facilities
 - j) Accessory uses
 - k) Industrial pipelines
 - l) Taverns and night clubs

m) Electronic amusement parlors

4) Minimum Performance Standards for the "B-3" District

“B-3” CENTRAL BUSINESS DISTRICT (CBD):

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|--------------------------|--|-----------|--|-----------|----------------|-----------|--|-------------------|
| Permitted Uses | <p>2650 sq.ft. Lot area per ground floor unit plus additional 50 sq.ft. Per bedroom</p> <p>870 sq.ft. Lot area per above ground floor unit plus an additional 50 sq.ft. Per bedroom</p> <p>770 sq.ft. Lot area per unit above 2nd floor having a balcony plus an additional 50 sq.ft. Per bedroom</p> <p>Dwellings shall have a minimum lot area of 8,000 sq.ft.</p> | 0 | 35 ft. - 85 ft. If fire prevention system approved by fire dept. | 0 | 0 | 0 | Parking stall ratios exempt – 0 for all uses. All other pertinent requirements in 23.01 (14) shall apply | 0 |
| Permitted businesses | 0 | 20 ft. | | 0 | 0 | 0 | 0 | 0 |
| All other permitted uses | | | | | | | | |
| Conditional Uses | As set by the Plan Commission and City Council. | | | | | | | |

d) "B-4" Commercial District

- 1) Intent. This district is established to provide for retail, commercial, office, service and apartment uses in areas of good accessibility along arterial streets consistent with the City's Comprehensive Plan. This district is primarily intended to accommodate general commercial uses requiring on-site parking and arterial access.
- 2) Permitted Uses. General Business or Commercial uses such as:
 - a) Permitted uses in "B-3" district
 - b) Repair shops
 - c) Greenhouses and nurseries
 - d) Gas station
 - e) Mobile home sales
 - f) Drive-in restaurants
 - g) Farm implement and trailer sales and repair, excluding rebuilding, salvage, and wrecking
 - h) Fruit and vegetable market
 - i) Pet shops
 - j) Animal hospital and veterinary clinics
 - k) Commercial or institutional recreational game fields, swimming pools, skating, golf driving ranges, miniature golf, go-cart tracks, or similar open air recreational uses and facilities
 - l) Building, plumbing, electrical and general contracting offices and sales outlets
 - m) Dry cleaning and Laundromats
 - n) Accessory uses
 - o) Filling of property
- 3) Conditional Uses
 - a) Conditional uses in "B-3" District
 - b) Sign companies including fabrication and repair of all types of signs
 - c) Military reserve and National Guard armories and training grounds
 - d) Transfer, storage, moving, freight and parcel delivery operations
 - e) Bakeries over 1500 sq. ft.
 - f) Indoor skating and archery ranges
 - g) Indoor shooting clubs
 - h) Accessory uses

- i) Building, electrical and general contractor storage. Storage buildings must be less than or equal to 2,000 sq. ft.; all vehicles, trucks, trailers or equipment shall be stored inside the storage building; a storage building must be used in conjunction with a building, electrical, plumbing or general contractor's office and/or sales outlet.
- j) Sheet Metal Shop
- k) Car Washes
- l) Taverns; nightclubs
- m) Street setback canopies only - 10' street setback, maximum height not be illuminated and be visible from the street or the neighboring property. Canopies are defined as a roof-like structure supported by columns (solid walls are not allowed). No space above the canopy may be occupied and no area under the canopy approved as a conditional use may be used for storage.

4) Minimum Performance Standards for the "B-4" District:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|----------------|---|----------------------------------|---|---|--|---|---------------|-------------------|
| Permitted Uses | <p>2650 sq.ft. Lot area per ground floor unit plus additional 50 sq.ft. Per bedroom.</p> <p>870 sq.ft. Lot area per above ground floor unit plus an additional 50 sq.ft. Per bedroom</p> <p>770 sq. Ft. lot area per unit above 2nd floor having a balcony plus an additional 50 sq.ft. Per bedroom.</p> <p>Dwellings shall have a minimum lot area of 8,000 sq.ft.</p> | 60 ft.. - 80 ft. For corner lots | 35 ft. - 125 ft. if fire prevention system approved by Fire Dept. | 0 5 ft. If any side yard is provided and 5 ft. if abuts residence district | 25 ft. In cases where a property is bounded by 3 or more public rights-of-way, the Common Council through the conditional use process, may reduce the street setback of one of the frontages but may not reduce the setback to less than 10 ft. In cases where an interior lot is abutted by two public right-of-ways, and is opposite of a property zoned Multiple Family District (R-4 or R-5), Business District (B-1, B-2, B-3, B-4, or B-5), or Industrial District (M-1 or M-2) the Common Council through the conditional | 10 ft. Plus additional 3 ft. For each story or fraction above 2 stories | Per 23.01(14) | 0 |

| | | | | | | | | |
|--------------------------|--|--|--|--|---|--|--|--|
| | | | | | use process, may reduce the street setback of one of the frontages opposite of those zoning districts, but may not reduce the setback to less than 10 ft. | | | |
| All other permitted uses | 7,000 sq.ft. Lot area | | | | | | | |
| Conditional Uses | As set by the Plan Commission and City Council | | | | | | | |

e) "B-5" Highway Commercial District

- 1) Intent. This district is established to provide for larger retail, commercial, office, and service uses which depend upon access to major highways. This district is primarily intended to accommodate regional commercial uses requiring larger land areas than the "B-4" Commercial District and which depend upon region-wide usage and region-wide access. It is the intent of this district to provide for open space, to prevent congestion, to protect the highway corridor, to protect the safety of the users of the adjacent highway and the users of the commercial sites of this district, to protect property values, and to create a convenient and safe commercial area.
- 2) Permitted Uses. General Business or Commercial uses such as:
 - a) Permitted uses in the "B-4" District
 - b) Repair shops
 - c) Drive-in restaurants
 - d) Greenhouses and nurseries
 - e) mobile home sales
 - f) animal hospitals
- 3) Conditional Uses.
 - a) Conditional uses in "B-4" District not including reduced setback for canopies.
 - b) Department Stores
 - c) Shopping Centers
 - d) transfer, storage, moving, freight and parcel delivery operations
 - e) Car Washes
 - f) Taverns; nightclubs
- 4) Minimum performance Standards for the "B-5" District

STANDARDS

| | |
|---------------------------------|---|
| minimum lot size | 35,000 sq. ft. |
| minimum lot width | 125 ft. |
| building street yard setback | 40 ft. setback from Hwy. 10 E. 25 ft. setback from all other streets |
| parking lot street yard setback | 30 ft. setback from Hwy. 10 E. 5 ft. setback from all other streets (Subject to review by Plan Commission and Common Council) |
| building side yard setback | 10 ft. |
| parking side yard setback | 5 ft. |
| building rear yard setback | 20 ft. |
| parking rear yard setback | 5 ft. |

All City parking lot screening requirements are to be met.

Existing buildings and/or parking lots which do not meet these standards shall be allowed to continue to exist. Remodeling of existing buildings or repaving of parking lots located less than the standards shall be allowed only with approval of the Common Council. Expansions or major remodelings of existing parking lots or buildings shall be subject to site plan review and shall be subject to modification of driveway access points, sharing of driveways, and adjustments to parking lot circulation.

DRIVEWAYS

Minimum distance between driveways: 250 ft. or as shown on adopted highway access plan. Modifications to the Highway Access Plan may be made by the Common Council. Each driveway shall be a minimum of 30 ft. wide at the property line. Driveways shall not be interrupted by cross traffic or by parking stalls for a minimum of 60 ft. in length measured from the current curb line or the curb line as indicated on the Official Street Map, whichever is greater. All driveways shall be constructed at a 90 degree angle to the street.

Location. The location of the driveway shall be subject to site plan review. The intent is to a) reduce the number of driveways by sharing access points with adjacent properties and b) align driveways with the access points of the properties opposite the site under consideration and consistent with the adopted driveway plan. Driveways shall be aligned opposite the planned driveway on the opposite side of the highway as nearly as possible. The centerline of the driveway on the north side of the highway may be west of the centerline of the planned driveway on the

south side of the highway. The centerline of the driveway on the north side of the highway may not be located east of the planned driveway on the south side of the highway.

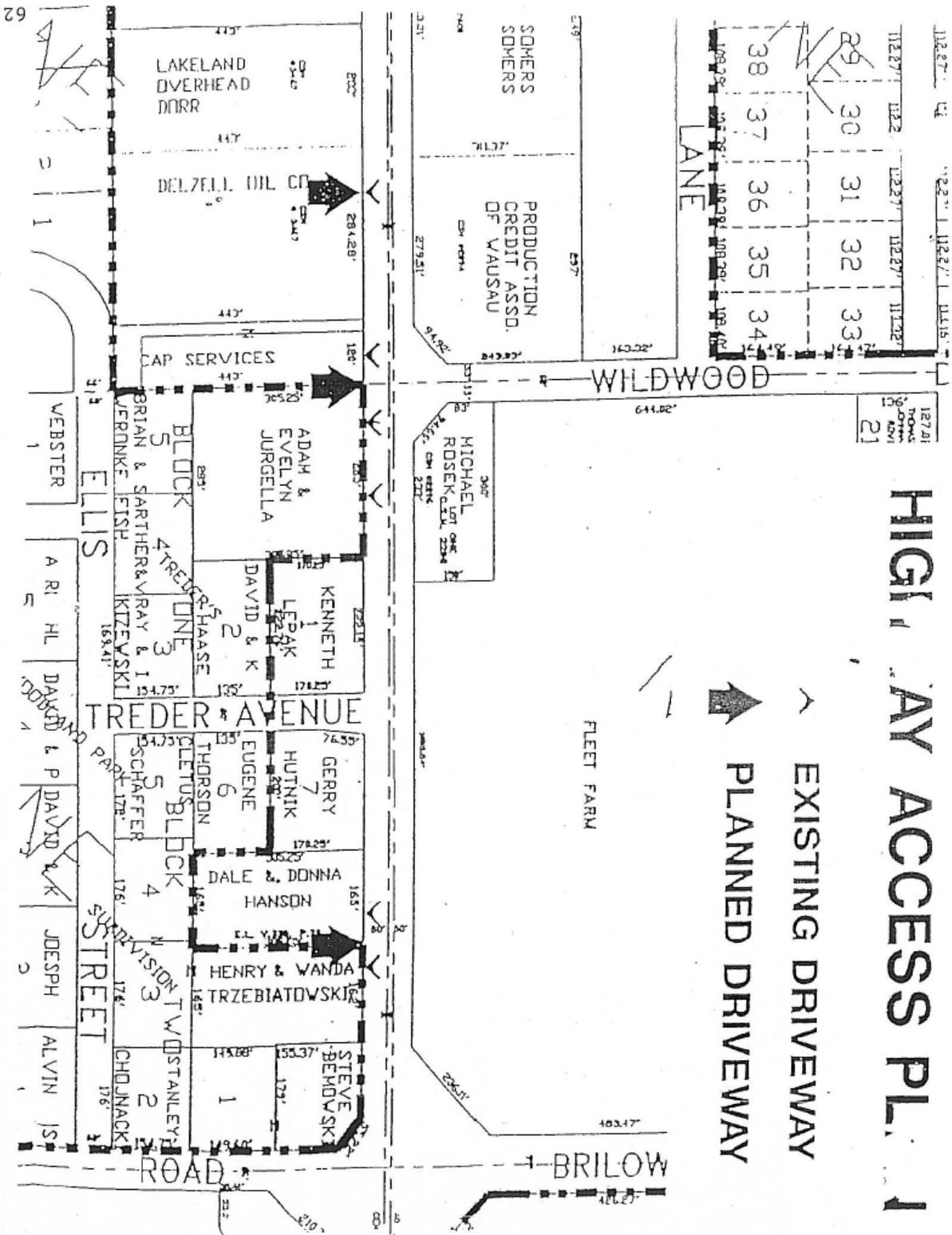
Not more than one driveway shall be allowed per lot unless the lot exceeds 500 ft. in width as measured at the right-of-way line. All driveway openings shall be consistent with the Highway Access Plan.

PARKING LOT LAYOUT

Parking lots shall be subject to site plan review. The layout of the parking lot and the entrance or service point of the building(s) shall be oriented to direct traffic away from the driveway area. Parking lots shall be organized to minimize the traffic congestion at the access point and to provide for the shared use of existing or future joint access points. Joint use or shared parking lots are permissible.

- 5) Site Plan Review. In addition to the standards contained in this and other City ordinances, no building or zoning permit shall be issued for a new use or renovation of any part of an existing use in this Highway Commercial District until the Common Council has approved the site plan for the proposed use. This requirement is adopted to protect the health, safety, and welfare of the citizens of the City and the property owners, to protect the safety of the users of the adjacent highway and the users of the commercial sites of this district, to protect pedestrians, and to protect property values. Site plan review shall include but not be limited to review of compliance with highway access safety considerations, reduction of access points along the highway, alignment of access points directly or almost directly across from each other consistent with the adopted Highway Access Plan, the sharing of drive access points between adjacent properties, provisions for access easements necessary to implement the access plan, parking lot layout, joint parking provisions, building setback and entrance/service drive positioning, internal traffic circulation, and compliance with all standards contained in City ordinances.

The site plan shall first be reviewed by the Plan Commission. The Common Council may affirm, affirm with modification, or reject the recommendation of the Plan Commission. If the Plan Commission fails to act upon the request of any applicant within 45 days of the submission of the application, the request may be taken directly to the Common Council without benefit of recommendation by the Plan Commission. The Plan Commission may modify the provision contained in this ordinance if, in their opinion, the policies contained in this ordinance are met.



HIGHWAY ACCESS PLAN

EXISTING DRIVEWAY
 PLANNED DRIVEWAY

f) "B-TID5" tax Increment District 5

1. Intent. The purpose of this district is to allow the development and redevelopment of Tax Increment District 5 located generally along Division Street in the city consistent with the traditional commercial design principles. Traditional commercial design is compact, urban, and characterized by taller commercial buildings with smaller setbacks from the street. Other purposes include:
 - a. To promote the public health, safety, morals, comfort, convenience, prosperity, and general welfare.
 - b. To establish a method to allow adjustments to the underlying zoning district setback requirements while balancing the proposal with the impact on neighborhood properties.
 - c. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
 - d. To conserve and enhance the taxable value of land and buildings.
 - e. To encourage the most appropriate use of land throughout the City and environs.
 - f. To protect the character and maintain the stability of commercial areas within Division St. TID 5 and environs, and to promote the orderly and beneficial redevelopment of such areas.
 - g. To evaluate such additions to, and alterations or remodeling of, existing buildings or structures
 - h. To define the powers and duties of the administrative officers and bodies as provided hereinafter
 - i. The creation of a healthy and vital public realm at the street level.
2. Permitted Uses: none
3. Conditional Uses: permitted and conditional uses in B-4 Commercial.
4. Minimum Performance Standards for the "B-4" District:
5. The regulations specified in this B-TID5 Tax Increment District 5 Overlay District shall apply only to lands included in the Tax Increment District 5, as amended.

The Common Council may consider the following conditional use setback requirements as an alternative to the setback requirements in the underlying zoning district.

Conditional Use minimum performance requirements:

| | |
|-----------------------|--|
| Street front setback: | 0 ft, or 10 ft. if yard abuts residence district |
| Side yard: | 0 ft, or 10 ft. if yard abuts residence district |
| Rear yard: | 0 ft, or 10 ft. if yard abuts residence district plus an additional 3 ft. for each story or fraction above 2 stories |
| Accessory building: | 0 ft, or 10 ft. if yard abuts residence district |
| Parking: | Per 21.03(14) |
| Lot width: | 60 ft |
| Lot Area Density: | Per 23.02 (2) (d) 4. B-4 Commercial |
| Height: | Per 23.02 (2) (d) 4. B-4 Commercial |

The following design standards shall be incorporated into each development and will be utilized in the review of conditional use. A conditional use is not automatically allowed. A balance is required between allowing these performance requirements while not unduly affecting the neighboring property owner's economic viability. In reviewing the application, the Council shall consider the impact to the street, including pedestrian space. Improvements to the pedestrian space and street may be required as a condition of approval. In the event of a conflict with conditional use standards contained elsewhere in this ordinance, the following principles shall take priority.

General Guiding Principles:

1. Buildings are aligned and close to the street. Buildings form the space of the street.
2. Buildings oversee the street with active fronts as opposed to blank fronts. The first floor and upper floors should include windows as well as entrances. Wider entrances, door framing, canopies, and other techniques should be used to identify the entrance.
3. Property lines are physically defined by buildings or street walls.
4. Building facades facing the street shall exhibit a high level of architectural design. In no case shall the front facade of the building consist of a blank wall or a series of garage doors. Windows should play a prominent role in the facade design. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).
5. Two or more story buildings are preferred over one story buildings.
6. Vehicle storage, garbage and mechanical equipment are kept away from the street.
7. Parking (not including on-street parking) should be away from the streets and screened from public view.
8. The building design is coordinated with the street space. The city may

require improvement of the streetscape adjacent to the property including installation of trees, paving, sidewalk, lighting, street furniture, etc. Street trees are limited to a list approved by the City Forester.

9. Safety: Buildings should be close to the street but should acknowledge their neighboring building setbacks. Safety of entrances as well as vision around corners should be addressed in the review process.

3) Manufacturing Districts

a) "M-1" Light Industrial District

- 1) Intent. This district is established to provide for those manufacturing or other industrial uses having the least obnoxious nuisance affects and having a lower intensity of activity as compared with permitted uses of the "M-2" Heavy Industrial District. It is intended that the "M-1" district be located as a buffer between heavy manufacturing uses and commercial or high density residential uses or at other locations all consistent with the use planning principles, industrial location standards, and the City Comprehensive Plan and policies.

2) Permitted Uses.

- a) Permitted uses in "C" and "B-4" Districts excluding residential uses.
- b) Manufacturing and Industrial uses such as:
 - 1) Photograph processing
 - 2) Sign companies including fabrication and repair of all types of signs
 - 3) Transfer, storage, moving, freight, and parcel delivery operations
 - 4) Warehouses, wholesale operations and distributions
 - 5) Lumber yards, providing such uses are enclosed by a minimum 8-foot high fence
 - 6) Building, plumbing, electrical, and general contractor offices
 - 7) Farm implement and trailer sales and repairs
 - 8) Mobile home sales
 - 9) Repair shops
 - 10) Processing, bottling and distribution facilities for non-alcoholic beverages
 - 11) Sausage manufacturing and sales
 - 12) Preparation, assembly and packaging of foods
 - 13) Manufacturing and assembling of commercial and household fixtures, cabinets, counters excluding furniture

- 14) Manufacturing of pottery or similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas
- 15) Industrial research laboratories
- 16) Carpet and rug cleaning and commercial laundries
- 17) Flammable liquids, underground storage only, not to exceed 25,000 gallons, and located not less than two hundred (200) feet from any "R" District
- 18) Bakeries
- 19) Railroad spurs and sidings
- 20) Printing, publishing, engraving and book binding
- c) Airport grounds including customary accessory uses such as terminals, hangars, flying schools, protective facilities and parking.
- d) Gas and service stations
- e) Indoor shooting club
- f) Fire and police stations
- g) Circus, carnival or similar transient enterprises
- h) Greenhouses and nurseries
- i) Accessory uses
- j) Filling of property

3) Conditional Uses

- a) Conditional uses in "C" and "B-4" Districts
- b) Single family residence housing a custodian, watchman or caretaker and his family whose employment is directly related to a "permitted use" of the "M-1" District
- c) Racing tracks for stock cars, snowmobiles, mini bikes and other motorized vehicle demonstrations and exhibitions
- d) Public fairgrounds
- e) Boarding kennels
- f) Junk, iron or rags, storage or baling where the premises upon which such activities conducted are wholly enclosed within a building, wall or fence not less than eight (8) feet high completely obscuring the activity; but not including automobile, tractor, or machinery wrecking or used parts yards
- g) Military reserve and National Guard armories and training grounds
- h) Accessory uses
- i) Manufacturing of furniture products
- j) Off-premise sign/billboard
- k) Large group day care centers
- l) "R-5" Multiple dwellings
- m) Car and truck wrecking facilities
- n) Building, plumbing, electrical and general contractor storage yards
- o) Sheet metal, welding, body and machine shops

- p) Sales, rental, storage, and distribution of household and commercial fuel tanks
 - q) Ice, coal, brick, and stone sales and storage
 - r) Industrial well systems and industrial pipelines
 - s) Manufacturing, bottling, and distribution of alcoholic beverages.
 - t) Zero lot line (sideyard) buildings
- u) Street setback canopies only - 10' street setback, maximum height 25', all lighting shall be placed in cut-off fixtures so that the light element or lens cover shall not be illuminated and be visible from the street or the neighboring property. Canopies are defined as a roof-like structure supported by columns (solid walls are not allowed). No space above the canopy may be occupied and no area under the canopy approved as a conditional use may be used for storage.
- 4) Minimum Performance Standards for the "M-1" District
- a) Fencing shall be set back 5 feet from the right-of-way when located along a right-of-way or along any proposed right-of-way listed on the City's Official Street Map. The Common Council may grant a waiver from this 5 foot fencing setback requirement, in cases where the Council determines unique and unusual circumstances exist.

"M-1" LIGHT INDUSTRIAL DISTRICT

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|--------------------|--|-----------|--|--|--|-----------|---------------|-------------------|
| All permitted uses | 8,000 Sq. Ft. Lot area | 80 ft. | 50 ft. or 125 ft. If fire prevention system approved by Fire Dept. | 10 ft. Each side yard and 20 ft. For side yards adjoining any "r" district | 30 ft. In cases where a property is bounded by 3 or more public rights-of-way, the Common Council may reduce the street setback of newly-constructed buildings from the required 30 ft. On two of the street frontages, but may not reduce the setback to less than 20 feet. | 20 ft. | Per 23.01(14) | 0 |
| Cond. Uses | As set by the Plan Commission and Common Council | | | | | | | |

b) "M-2" Heavy Industrial District.

- 1) Intent. This district is established to provide for those manufacturing or

other industrial uses having more obnoxious or nuisance effects than the "M-1" Light Industrial District and having a greater intensity of manufacturing, processing, employment, traffic and other related activities. It is intended that the "M-2" district generally be located distant from non-manufacturing uses: that it be buffered by the "M-1" district or by major highways, rivers, open space, or high intensity commercial uses, and that all "M-2" districts be located consistent with the City's Comprehensive Plan.

2) Permitted Uses.

- a) Permitted uses in "M-1" District
- b) Manufacturing and Industrial Uses such as:
 - 1) Railroad yards, switching yards, repair facilities, round houses, administrative offices and other related rail facilities
 - 2) Manufacturing and sale of products, primarily from wood, including furniture products
 - 3) Manufacturing, bottling and distribution of non-alcoholic beverages
 - 4) Truck terminal, municipal garage and shop facilities
 - 5) Waste water disposal plant
 - 6) Plastic manufacturers
 - 7) Paint manufacturers
 - 8) Wholesale distributors
 - 9) Manufacturing and assembling of motor vehicle parts
 - 10) Flammable liquids storage to be used in conjunction with a permitted use
 - 11) Industrial well systems and industrial pipelines
 - 12) Building, plumbing, electrical and general contractor storage yards
 - 13) Sheet metal, welding, body and machine shops
 - 14) Sales, rental, storage, distribution of household and commercial fuel tanks
- c) Accessory Uses
- d) Filling of Property

3) Conditional Uses

- a) Conditional uses in "M-1" District
- b) Asphalt batch plant
- c) Petroleum products manufacturing, refining or storing
- d) Chemical manufacturing
- e) Slaughter houses, stock yards or meat packing or processing plants
- f) Other manufacturing, processing or storage uses determined by the Plan Commission and Common Council to be generally similar to

the "permitted uses" of the Comprehensive Plan.

- g) Wholesale gasoline, sales or storage
 - h) Sand or gravel pits
 - i) Refining, processing, smelting of minerals or ores
 - j) Industrial landfills
 - k) Hatcheries
 - l) Concrete redi-mix plants and distribution activities
 - m) Manufacturing, storage and sale of concrete products
 - n) Fertilizer mixing, blending, bagging, storage and sales
 - o) Storage and distribution of petroleum components
 - p) Solid waste transfer facilities
 - q) Paper product mfg.
 - r) Brick, tile, and terra cotta mfg.
 - s) Metal fabrication
 - t) Trucking and excavation contractors
 - u) Pallet manufacturing
 - v) Ice, coal, brick, and stone sales and storage
- 4) Minimum Performance Standards for the "M-2" District
- a) Fencing shall be set back 5 feet from the right-of-way when located along a right-of-way or along any proposed right-of-way listed on the City's Official Street Map. The Common Council may grant a waiver from this 5 foot fencing setback requirement, in cases where the Council determines unique and unusual circumstances exist.

"M-2" HEAVY INDUSTRIAL DISTRICT:

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|---------------------------|---|-----------|--|---|----------------|-----------|---------------|-------------------|
| Permitted Industrial Uses | ½ acre lot area | 100 ft. | 50 ft. Or 125 ft. If fire prevention system approved by Fire Dept. | 20 ft. Each side yard and 30 ft. Adjoining any residence district | 40 ft. | 20 ft. | Per 23.01(14) | 0 |
| Other Permitted Uses | | | | | | | | |
| Conditional Uses | As set by the Plan Commission and City Council. | | | | | | | |

4) Special Districts

a) "U-1" University Facilities District

- 1) Intent. The "U-1" University Facilities District is primarily intended to accommodate developed University owned land and buildings and associated facilities.
- 2) Permitted Uses.
 - a) Permitted uses in "C-1" District except truck gardening
 - b) Colleges and/or universities, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, lecture halls, libraries, student and faculty centers, athletic and recreational facilities, dormitories, and university services
 - c) Multi-family dwellings owned or operated by a university for housing students or staff members
 - d) Accessory uses to the above permitted uses, including but not limited to parking lots and structures for use by students, employees, and persons visiting or attending activities at a permitted building or use
 - e) Filling of property
- 3) Conditional Uses
 - a) Conditional uses in "C-1" District except campgrounds
 - b) Auditoriums, coliseums, stadiums, or similar facilities intended for athletic or other university or community events which attract large numbers of people from the general public as well as from the university
 - c) Accessory uses to the above conditional uses, including but not limited to parking facilities directly supportive of such uses.
- 4) Minimum Performance Standards for the "U-1" District

"U-1" UNIVERISTY FACILITIES DISTRICT:

| USE | LOT AREA AND DENSITY LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD STREET SETBACK REAR YARD PARKING AREA OF STRUCTURE |
|----------------|---|--|--|
| Permitted Uses | These requirements will be determined by Common Council in cooperation with Univ. Admin. Or its designated officer or agent as part of the required site plan review. | 85 ft. Or 125 ft. If fire prevention system approved by Fire Dept. | These requirements will be determined by the Common Council in cooperation with the Univ. Admin. Or its designated officer or agent as part of the required site plan review. Subsection 3.b and 3.c above shall have one parking space for each 5 |

| | | | |
|--|--|--|---|
| | | | seats available in such facility in addition to one parking space for each four employees of such facility. |
| Conditional Uses - As set by Plan Commission and City Council. | | | |

5) Site Plan Review and Approval. The Plan Commission shall review the location of and the site for any single structure or grouping of structures, any athletic field, any parking lot or any pedestrian mall. Such facility reviewed under this section shall meet the approval of the Plan Commission before construction or implementation of such improvement or facility. The approval required in this section and any condition thereto shall be stated in writing and transmitted to the university administration or their agent. Any reviews conducted under this section shall consider the latest university campus plan and amendments thereto, all relevant City or areawide plans and amendments thereto, and any university or City environmental reviews made of the facility or improvement being reviewed by the Plan Commission.

b) "PD" Planned Development District

A Planned Development is a zoning district that allows for deviation from the standards of this zoning ordinance in exchange for higher quality development.

1) Components of PD Approval

A PD approval consists of two separate steps:

1. Approval of a rezoning and concept plan by the Plan Commission and Common Council; and
2. Approval of subsequent subdivision plats and site plans consistent with the PD concept plan.

2) When Allowed

- a) A PD is intended for projects that demonstrate a higher quality of site design that is more sensitive to the existing context, both built and natural, than is possible under other available zoning districts.
- b) All permitted and/or conditional uses found within the R-2, R-3, R-4, R-5, B-1, B-2, B-3, and B-4 zoning districts may be allowed as a permitted or conditional use.

3) Application and Fees

- a) A pre-application conference with the City Zoning Administrator (Administrator) is required.
- b) All applications for a PD shall be filed in writing with the Administrator.
- c) The application shall include the following additional materials:

- 1) A narrative explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density and square footage of non-residential uses per net acre, open space acreage, the relationship of the proposed development to existing development in the area and other related development features.
 - 2) A concept plan establishing the following aspects of the proposed PD:
 - i) The location of all street and alley types, major utilities, access to existing streets, and conceptual drainage plan;
 - ii) The perimeter and block face length of all blocks;
 - iii) The layout and size of all lots with anticipated land use and building types; and
 - iv) The location and type of any open space.
 - 3) A specific list of all requested deviations from the provisions of this zoning ordinance.
 - d) The applicant may provide concurrent applications for site plan or subdivision review.
- 4) Rezoning and Concept Plan Review by Administrator
- a) The Administrator may refer the application to other affected or interested agencies for review and comment.
 - b) The Administrator shall provide notice as set out in this zoning ordinance and/or Wisconsin Statutes.
 - c) The Administrator shall recommend approval, approval with conditions, or denial of the PD rezoning and concept plan.
- 5) Rezoning and Concept Plan Review by Planning Commission
- a) Following notice and a public hearing as required in this zoning ordinance and/or Wisconsin Statutes, the Planning Commission shall recommend approval, approval with conditions, or denial of the PD rezoning and concept plan.
 - b) In recommending, the Planning Commission shall consider the recommendation of the Administrator, relevant comments of all interested parties and the review criteria below.
- 6) Public Hearing and Decision by Common Council
- a) Following notice and a public hearing as required in this zoning ordinance and/or Wisconsin Statutes, the Common Council shall approve, approve with conditions, or deny the PD rezoning and concept plan.
 - b) In deciding, the Common Council shall consider the recommendations of the Administrator and Planning Commission,

relevant comments of all interested parties and the review criteria below.

7) Review Criteria

The Common Council shall consider the following criteria in approving or denying a PD rezoning and concept plan:

- a) The proposed PD is consistent with the pertinent elements of the City of Stevens Point Comprehensive Plan and any other adopted plans;
- b) The proposed PD is consistent with the standards and uses of the context area within which it is located;
- c) The proposed PD meets the requirements of this zoning ordinance;
- d) The proposed PD will reinforce the existing or planned character of the neighborhood;
- e) The site is appropriate for the development allowed in the proposed PD;
- f) The PD demonstrates a higher quality of site design that is more sensitive to the existing context, both built and natural, than is possible under other available zoning districts.
- g) Public facilities and services including but not limited to schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities are adequate for the development allowed in the proposed PD; and
- h) The PD will not substantially or permanently injure the appropriate use of adjacent conforming properties.

8) Allowed Deviations

Unless otherwise expressly approved by the Common Council as part of the approved rezoning and concept plan, all planned developments shall be subject to all applicable standards of this zoning ordinance. In order to approve modifications of otherwise applicable standards, the Common Council must find that:

- a) Requested deviations from applicable building type standards, permitted uses, or other development standards that otherwise would apply are justified by the compensating benefits of the planned development; and
- b) The requested deviations do not detract from the established character or form of any surrounding conforming properties.

9) Action Following Approval

Approval of a PD rezoning and concept authorizes the submission of subdivision plats and site plans consistent with the PD approval.

10) Modification of Adopted Concept Plan

The Administrator is authorized to approve minor modifications to an approved concept plan. All modifications not listed as minor below shall be considered by the Common Council consistent with the original approval of the PD. The following modifications shall be considered minor:

- a) Up to a 10 percent increase or any decrease in gross floor area of a single building.
- b) Up to a 10 percent reduction or any increase in the approved setbacks from exterior property lines.
- c) Relocation of parking areas, internal streets or structures where such relocation occurs more than 100 feet from exterior property lines.

11) Effect of Denial

The denial of a PD application shall ban the subsequent application for the same or similar use for a period of 12 months.

12) Expiration

A PD rezoning does not expire. A PD concept plan expires after two years if no preliminary plat, site plan or building permit has been filed. A two year extension may be granted by the Common Council.

c) "A-H", Airport Height Overlay

- 1) Intent. This overlay district is established to maintain navigable air space over the aerial approaches in a condition best suited for the safe operation of aircraft.
- 2) Permitted Uses. Uses to the extent that they are not prohibited by any other provisions of this chapter or any other ordinance as follows:
 - a) Uses which would not 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 land, taking off, or maneuvering of aircraft.
 - b) Filling of property
- 3) Conditional Uses. Uses that would create an electrical interference with radio communication or result in glare.
- 4) Minimum Performance Standards for the "A-H" District

“A-H” AIRPORT HEIGHT OVERLAY

| USE | LOT AREA AND DENSITY | LOT WIDTH | HEIGHT OF STRUCTURE | SIDE YARD | STREET SETBACK | REAR YARD | PARKING | AREA OF STRUCTURE |
|---------------------------------|-------------------------------------|-----------|---------------------------------------|-------------------------------------|----------------|-----------|---------|-------------------|
| All permitted buildings or uses | As permitted in underlying district | | As indicated on height limitation map | As permitted in underlying district | | | | |

- 5) Exception to height of structure: Approval for government structures to exceed the Stevens Point airport height restriction may be granted by the Common Council after first obtaining written approval from the Federal Aviation Administration and/or the Wisconsin Department of Transportation, Bureau of Aeronautics.

d) Wireless Communication Towers

- 1) Purpose. The purpose of this ordinance is to establish regulations for wireless communications facilities that minimize adverse impacts to the community; encourage the location of antenna support structures in non-residential zoning districts; minimize the total number of antenna support structures; encourage the attachment of antennas to existing structures; identify appropriate locations for wireless communications facilities; ensure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate wiring, landscape screening and innovative camouflaging techniques; consider the health and safety of wireless communications facilities; avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures; facilitate the provision of wireless communications facilities; and enhance the ability to provide wireless communications facilities to the community quickly, effectively and efficiently.

1.1) Antennas to Which This Chapter Has no Application:

The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, receive-only antennas, antennas less than 70 feet in height and owned and operated by a federally-licensed amateur radio station operator, towers that are 55 feet in height or less if that tower is constructed using an open-weave tower no larger than 12"x12"x12" galvanized metal and with no more than 2 antennas of less than 2.5 feet in diameter each, any tower or antenna lawfully in existence in the city on the date that this chapter becomes effective, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio and/or television broadcasting facilities.

1.2) Building Code

The construction and installation of antenna support structures, antennas, antenna arrays, the installation or placement of antenna arrays on buildings, and the placement of antennas on alternative antenna support structures, shall be subject to the requirements of the city's Building Code the requirements of the Electronics Industries Association/Telecommunications Industries Association, and any additional standards applicable thereto published by the Electronics Industries Association.

1.3) Lighting

No antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.

1.4) Signage

There shall be no signs, symbols, flags, banners or other devices or things attached to or painted or inscribed upon any antenna support structures, or antennas, unless the support structure is constructed as a flag pole and the American flag is integral to the design of the support structure.

1.5) Finish

All lattice towers and monopole towers shall be finished in a non-reflective neutral color or otherwise as directed by the Community Development Department.

2.0) "Reserved"

3.0) New Freestanding Antennas

No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing antenna support structure, alternative support structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's need for an antenna or antenna array at the site of the applicant's proposed location. An applicant shall submit information requested by the Director of Community Development relating to the availability of suitable existing antenna support structures, alternative antenna support structures, or alternative technology. Evidence submitted to demonstrate such facts may consist of the following:

- a) that no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; and/or
- b) that existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering

requirements; and/or

- c) that existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment; and/or
- d) that applicant's proposed antennas would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support structure, or the antennas on the existing antenna support structure or alternative antenna support structure would cause interference with the applicant's proposed antennas; and/or
- e) that the fees, costs, or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative antenna support structure for co-location sharing is unreasonable. Costs exceeding new antenna support structure development are presumed to be unreasonable;
- f) that there are other limiting factors that render existing antenna support structures or alternative antenna support structures unsuitable; and/or
- g) that an alternative technology that does not require the use of towers or buildings for height, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new antenna support structure development shall not be presumed to render the technology unsuitable.

All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structures and/or on existing building or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of the co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the city may require a third party technical study at the expense of either or both of such providers.

3.1) Location of New Antennas and Co-Location of Antennas

Co-location or Freestanding New Antenna

| | Industrial | University & Commercial | | | Residential | Conservancy |
|--|-------------------|------------------------------------|-----|-----------------|--------------------|--------------------|
| | M-1 & M-2 | B-4, B-5, & U | B-3 | R-5, B-1, & B-2 | RLD, R-1, R-2, | C |

| | | | | | | |
|---|---|---|-------------|-------------|-----------------|------------------|
| | | | | | R-3, & R-4 | |
| Antenna on existing tower or building (co-location) | Permitted | Permitted | Permitted | Permitted | Permitted | Permitted |
| New tower | Conditional | Conditional | Conditional | Conditional | Prohibited | Conditional |
| Height (max.) | 150' (175' only within 2,000 feet of I-39 and not closer than 250' of residences) | 135' | 120' | 60' | 60' | 150'* |
| All antennas subject to airport height restrictions | | | | | | |
| Setbacks (min.) | Height of tower (but not to exceed 150') | Height of tower (but not to exceed 150'). Setbacks in "B-5" Highway Commercial may be one-half the height of the tower only in cases where the antenna array is constructed no more than 2' from the exterior of the tower. | | | Height of tower | Height of tower* |

Note: Setbacks in any district may be modified by the Common Council only in cases where the tower cannot be physically located on the site, or where the applicant has camouflaged the support structure by design or appearance that hides, obscures, or conceals the presence of the tower and antennas, for example, as a flag pole, or added the antenna to an existing support structure, for example on an existing light pole, and only in cases where the public interest is served by the modification.

New Telecommunications Towers are a conditional use in the M2 Heavy Industrial, M1 Light Industrial, B5 Highway Commercial, B4 Commercial, B3 Central Business District, B2 Central Business Transition, B1 Neighborhood Commercial, University, R-5 Multifamily II, and C Conservancy Districts. Telecommunications Towers are prohibited in R-4, 3, 2, 1, & LD Residential Zones unless on publicly owned property. Preference will be given to sites which are greater than 300 feet from Residential Zones.

* exceptions to height and setback may be made in instances where the land in the vicinity of the proposed site in Conservancy zoning only is not developed to its full potential and in the opinion of the council the site is likely to remain undeveloped due to area constraints.

Antenna arrays may be mounted on the top of and attached to roofs of existing buildings or structures that are at least thirty feet (30') or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided, however, that such antenna arrays shall add not more than twenty feet (20') to the total height or elevation of such building from the street grade, (including the antenna array) and antenna arrays so mounted shall be obscured from view from the street up such building fronts by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building

3.2) Public Owned Property

In addition to all other locations allowed or allowed as a conditional use, antenna and appurtenant structures may be permitted on all publicly owned property including land owned by the City of Stevens Point, the Stevens Point School Board, and Portage County.

4.0) Support Facility Requirements

- a) All support facilities including buildings used for switching and other support functions shall be placed in close proximity to the support structure on which antennas are proposed.
- b) Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for air conditioning, ventilation or auxiliary electrical generators, shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of 5 feet so as to be obscured from view from adjacent properties and from the street. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Support structures located on large, wooded lots with natural growth around the property perimeter may be considered a sufficient buffer by the Community Development Director.

Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or a person to be contacted in the event of an emergency.

Support facilities shall meet the setback requirements of the underlying Zoning District.

5.0) Antenna Support Structures – Removal When no Longer Used:

Any antenna support structure that has had no antenna mounted upon it for a period of successive days, or if the antennas mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of a notice from the City to do so. During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Director of Community Development shall determine. If such structure and equipment enclosure are not so removed, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under this section is subject to appeal to the City Council. In the event that more than one wireless communications service provider is using the support structure, then this provision shall not become effective until all users cease using such structure.

e) Wellhead Protection Overlay District

1.0 Purpose and Authority

The residents of the City of Stevens Point depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the City of Stevens Point.

Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety and welfare.

1.1 Application of Regulations

The regulations specified in this Wellhead Protection Ordinance shall apply only to lands within 1,500 feet of the Stevens Point municipal wells (Cones of Depression), the Two Year Time of Travel (TOT) or within the Five Year TOT of these wells and which also lie within the City of Stevens Point corporate limits.

1.2 Definitions

- 1) **Aquifer.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- 2) **Cone of Depression.** The area around a well, in which the water level has been lowered at least one tenth of a foot by pumping of the well. The Wisconsin Geological and Natural History Survey Special Report No. 10, entitled "Wellhead-Protection Districts in Wisconsin: An Analysis and Test Applications", identified the Cone of Depression for the neighboring municipality of Whiting to be a radius of 1,422 feet. For ease of determination, the Cone of Depression has been established as being 1,500 feet from the Stevens Point wells.
- 3) **Two Year Time of Travel (TOT).** The Two Year TOT is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take two years to reach a pumping well. The Two Year TOT for the Stevens Point well fields is calculated from the groundwater velocity equation with a time factor applied. The Two Year TOT calculations for Stevens Point Well 11 are found in the report entitled, "Well No. 11

Wellhead Protection Plan”.

- 4) Five Year Time of Travel (TOT). The Five Year TOT is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The Five Year TOT for the Stevens Point Well Nos. 4, 5, 6, 7, 8, 9, and 10 is established based on flow path modeling contained in the report entitled "STEVENS POINT WISCONSIN CASE STUDY: Wellhead Protection Programs and Monitoring System Design". The Five Year TOT for Stevens Point Well 11 are found in the report entitled, "Well No. 11 Wellhead Protection Plan”.
- 5) Recharge Area. Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
- 6) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

2.0 Wellhead Protection Overlay District A

The areas defined herein as either the Cones of Depression (Wells No. 4, 5, 6, 7, 8, 9, and 10) or the Two Year TOT (Well No. 11).

2.1 Intent

The primary portion of the Stevens Point recharge areas to be protected is the land within 1,500 feet of the Stevens Point wells, known as Wells 4,5,6,7,8,9 and 10, and within the two year TOT for Well 11, as shown on the attached maps and of the Whiting well fields described as beginning at the intersection of County Trunk HH and Hoover Road, then north to the intersection of the Wisconsin Public Service power lines located approximately one-half mile north of the point of beginning, then southwest along the WPS power line to its intersection with Alder St., then south along Alder St. to the intersection with First St., then west along First St. to its intersection with April La., then south along April La. to its intersection with County Trunk Highway HH, then east along County Trunk Highway HH to its intersection with Hoover Rd. and there terminating also shown on the attached map. These lands are subject to the most stringent land use and development restrictions because of close proximity to the wells and the corresponding high threat of contamination.

2.2 Permitted Uses

The following uses are permitted uses within Groundwater Protection Overlay District

A. Uses not listed here are to be considered prohibited uses.

- 1) Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- 2) Wildlife areas
- 3) Nonmotorized trails, such as biking, skiing, nature and fitness trails
- 4) Sewered residential developments
- 5) Unsewered (single family) residential development only on existing lots of record on the effective date of this Ordinance

2.3 Conditional Uses

The following uses are conditional uses within Groundwater Protection Overlay District A. Uses not listed here are to be considered prohibited uses.

- 1) Commercial uses served by municipal sanitary sewer

2.4 Prohibited Uses

The following uses are prohibited uses within the Groundwater Protection Overlay District A. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.

- 1) Underground storage tanks of any size
- 2) Septage and/or sludge spreading
- 3) Animal waste landspreading
- 4) Animal waste facilities
- 5) Animal confinement facilities
- 6) Gas stations
- 7) Vehicle repair establishments, including auto body repair
- 8) Printing and duplicating businesses
- 9) Any manufacturing or industrial businesses
- 10) Bus or truck terminals
- 11) Repair shops
- 12) Landfills or waste disposal facilities
- 13) Wastewater treatment facilities
- 14) Spray wastewater facilities
- 15) Junk yards or auto salvage yards
- 16) Bulk fertilizer and/or pesticide facilities
- 17) Asphalt products manufacturing
- 18) Dry cleaning business

- 19) Salt storage
- 20) Electroplating facilities
- 21) Exterminating businesses
- 22) Paint and coating manufacturing
- 23) Hazardous and/or toxic materials storage
- 24) Hazardous and/or toxic waste facilities
- 25) Radioactive waste facilities
- 26) Recycling facilities
- 27) Cemeteries

2.5 Existing Uses

Where any of the uses listed above exist within Groundwater Protection Overlay District A on the effective date of this ordinance, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Plan Commission and Common Council, and appropriate permit issued by the City Inspection Department, prior to any work being initiated. Expansion of the prohibited use will not be allowed.

3.0 Groundwater Protection Overlay District B – Five Year Time of Travel

3.1 Intent

A secondary portion of the Stevens Point and Whiting recharge areas to be protected is land which lies within the five year groundwater travel zone upgradient from the Stevens Point and Whiting well fields. The five year time of travel (TOT) for the Stevens Point well fields shown on the attached map and described as:

That part of Section 1, Township 23 North, Range 8 East, that part of Sections 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 24 North, Range 8 East, Town of Hull, that part of Section 34, Township 24 North, Range 8 East, Village of Park Ridge, that part of Section 2, Township 23 North, Range 8 East, Town of Plover, that part of Sections 7 and 18, Township 24 North, Range 9 East, Town of Sharon, that part of Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 24 North, Range 8 East and that part of Section 2, Township 23 North, Range 8 East, City of Stevens Point, that part of Sections 19 and 30, Township 24 North, Range 9 East, Town of Stockton, Portage County, Wisconsin, described as follows:

Beginning at the southwest corner of said Section 34, Township 24 North, Range 8 East; thence north along the west line of said Sections 34, 27, 22, 15, and 10 to the east-west quarter line of said Section 10; thence east along said quarter line to the west line of the East One-half of the Northwest Quarter of said Section 10; thence north along said west line and the west line of the East One-half of the Southwest Quarter of Section 3, Township 24 North, Range 8

East to the north line of the South One-half of the Southwest Quarter of said Section 3; thence east along said north line and the north line of the South One-half of the Southeast Quarter of said Section 3 and the north line of the South One-half of the Southwest Quarter and the Southeast Quarter of Section 2 to the west line of Section 1, Township 24 North, Range 8 East; thence south along said west line to its southwest corner; thence east along the south line of said Section 1 to its southeast corner which is on the Range line between Range 8 East and Range 9 East; thence south along said Range line to the east-west quarter line of Section 7, Township 24 North, Range 9 East; thence east along said quarter line to the northeast corner of Government Lot 18 in said Section 7; thence south along the east line of said Government Lot 18 and the east line of Government Lot 19 in said Section to the north line of Section 18, Township 24 North, Range 9 East; thence east along said north line to the northeast corner of Government Lot 5 in said Section 18; thence south along the east line of said Government Lot 5 and the east line of Government Lots 8, 17, and 20 of said Section 18 and the east line of Government Lots 5, 8, 17, and 20 of Section 19, Township 24 North, Range 9 East and the east line of Government Lot 5 of Section 30, Township 24 North, Range 9 East, to the southeast corner of said Government Lot 5 of said Section 30; thence west along the south line of said Government Lot 5 and the south line of Government Lot 6 of said Section 30 to the Range line between Range 8 East and Range 9 East; thence south along said Range line to the southeast corner of Section 36, Township 24 North, Range 8 East; thence south along the east line of Section 1, Township 23 North, Range 8 East to the north line of the South One-half of the Northeast Quarter of said Section 1; thence west along said north line and the north line of the South One-half of the Northwest Quarter of said Section 1 and the north line of the South One-half of the Northeast Quarter and the Northwest Quarter of Section 2, Township 23 North, Range 8 East to the west line of said Section 2; thence north along said west line to the south line of Section 35, Township 24 North, Range 8 East; thence west along said south line and the south line of Section 34 to the point of beginning and there terminating.

The five year time of travel (TOT) for the Whiting well fields shown on the attached map and described as: beginning at the intersection of Porter Rd. and Hoover Rd., then north along Hoover Rd. to the intersection with the Wisconsin Central Railroad Limited, then east along the Wisconsin Railroad tracks to the intersection with Eisenhower Rd., then south along Eisenhower Rd. to its intersection with Porter Rd., then west along Porter Rd., to the intersection with Hoover Rd. and there terminating. Land use restrictions within Groundwater Protection Overlay District B are less restrictive than in Overlay District A because of longer flow times and a greater potential for remediation, dilution and attenuation. Uses not listed as permitted or conditional uses are to be considered prohibited uses.

3.2 Permitted Uses

The following uses are permitted within Groundwater Protection Overlay District B.

- 1) All uses listed as permitted uses in Groundwater Protection Overlay District A
- 2) Sewered residential uses
- 3) Above ground petroleum product storage tanks up to 660 gallons
- 4) Basement heating fuel storage tanks
- 5) Commercial and/or industrial uses served by municipal sanitary sewer, except: underground storage tanks of any size, unsewered commercial and/or industrial development, septage and/or sludge spreading, animal waste facilities, Animal confinement facilities (except veterinary hospitals and clinics), gas stations and oil change businesses, bus or truck terminals, landfills, wastewater treatment facilities, spray wastewater facilities, auto salvage yards, bulk fertilizer and/or pesticide facilities, asphalt products manufacturing, dry cleaning facilities, electroplating facilities, exterminating shops, paint and coating manufacturing, hazardous and/or toxic materials storage, hazardous and/or toxic waste facilities, radioactive waste facilities, garage and vehicular towing, or public and municipal maintenance garage.
- 6) Unsewered (single family) residential uses

3.3 Design Standards

The following standards and requirements shall apply to all uses permitted within Wellhead Protection Overlay District Zone B.

- 1) Minimum lot size for unsewered residential uses shall be two acres, except for; a) existing lots of record on the effective date of this Ordinance and b) developments which will be served by municipal sewer within five years of the approval of the development. In order to provide for efficiently serving these developments with municipal sewer, lots smaller than two acres can be approved, provided that sufficient land area will be maintained in an undeveloped state such that no more than one residence is allowed for each two acres of the overall development.
- 2) All commercial and industrial uses are allowed a maximum of 50% of the lot area to be maintained in manicured lawn or grass. However, the area of the lot in manicured lawn or grass shall not exceed the area of impervious surfaces on the lot.
- 3) Sewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below:

| <u>Lot Area</u> | <u>Lawn Area (square feet)</u> |
|-----------------|--------------------------------|
| 16,000 sq ft | 6,000 |
| ½ Acre | 8,000 |
| ¾ acre | 11,000 |
| 1 acre | 14,000 |
| 1 ½ acres | 20,000 |
| 2 acres | 26,000 |

- 4) Maximum lawn areas for lot sizes not listed shall be based on the average percentage of lawn area allowed on the two nearest lot sizes listed.
- 5) Unsewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below:

| <u>Lot Area</u> | <u>Lawn Area (square feet)</u> |
|-----------------|--------------------------------|
| 2 acres | 8,000 |
| 3 acres | 21,000 |
| 4 acres | 31,000 |
| 5 acres | 44,000 |

- 6) Maximum lawn areas for lot sizes not listed shall be based on a weighted average of the percentage of lawn area allowed on the two nearest lot sizes listed.
- 7) Natural vegetative covers, not requiring the use of pesticides or fertilizers after initial establishment are encouraged as an alternative to manicured lawn or grass.
- 8) All petroleum storage tanks shall provide leak proof containment not less than 125% of the tank volume, except basement heating fuel storage tanks.
- 9) All storm drainage shall be retained on site or discharged to a municipally operated storm drain. If retained on site, storm water shall be discharged to settling ponds where it will percolate through at least six inches of topsoil. Use of drywells or other subsurface drains for stormwater drainage is prohibited.
- 10) Pesticide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on site.

11) Pesticide and fertilizer storage is permitted at the location of agricultural use of these products.

3.4 Conditional Uses

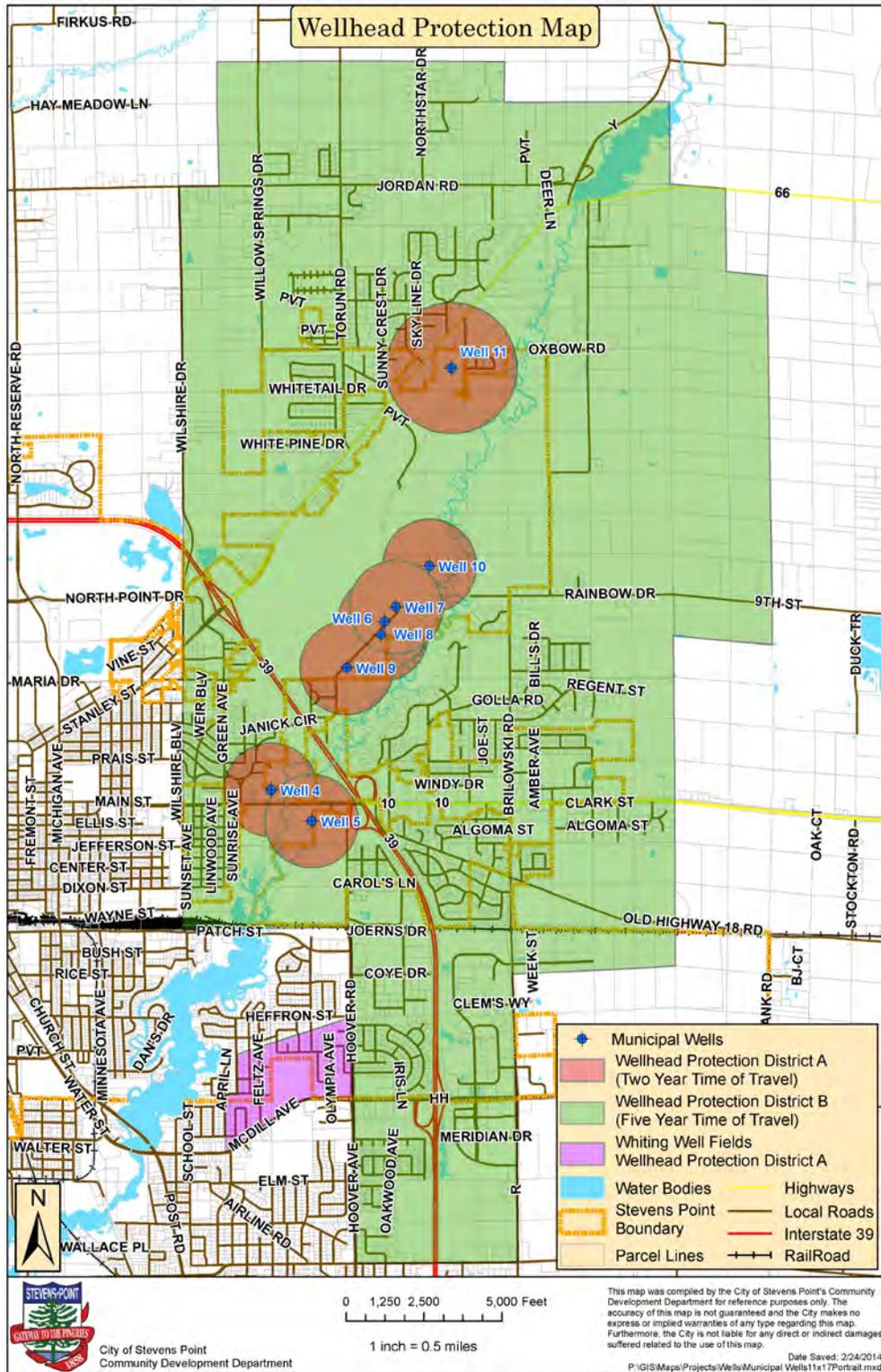
The following uses may be permitted on a case-by-case basis, providing adequate groundwater protection and monitoring measures, as determined by the Stevens Point Plan Commission and Common Council, are instituted.

1) All other uses, which are not permitted uses listed above, but are uses allowed within the underlying zoning district.

3.5 Existing Uses

Where any prohibited use existed within Groundwater Protection Overlay District B on the effective date of this ordinance, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Plan Commission and Common Council, and appropriate permit issued by the City Inspection Department, prior to any work being initiated. Expansion of the prohibited use will not be allowed

3.0 Map



f) Sexual Oriented Business

1.0 Purpose and Intent.

It is the purpose and intent of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses.

The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.

2.0 Definitions.

For the purposes of this division, certain terms and words are defined as follows:

- a) “Sexually oriented businesses” are those businesses defined as follows:
 - 1) “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 - 2) “Adult bookstore”, “Adult novelty store”, or “Adult video store” means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
 - a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”;

- b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- 3) “Adult cabaret” means a nightclub, bar, restaurant “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- 4) “Adult motel” means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- 5) “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
- 6) “Adult theatre” means theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities”.
- 7) “Escort” means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 8) “Escort agency” means a person or business association who

furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

- 9) "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
- 10) "Nude model studio" means any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons except as below:
 - a. by a proprietary school licensed by the State of Wisconsin; a college, junior college, or university supported entirely or partly by taxation;
 - b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - c. In a structure:
 - 1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - 3) where no more than one nude model is on the premises at any one time.
- 11) "Sexual encounter establishment: means a business or commercial establishment, that as one of its primary business purposes offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude.

The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

- b) “Employee” means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- c) “Establishment” means and includes any of the following:
 - 1) The opening or commencement of any such business as a new business;
 - 2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
 - 3) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
 - 4) The relocation of any such sexually oriented business.
- d) “Nudity or State of Nudity” means: (a) the appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- e) “Operator” means and includes the owner, permit holder, custodian, manager, operator or person in charge of any premises.
- f) “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- g) “Public building” means any building owned, leased or held by the United States, the state, the county, the city, any special district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
- h) “Public park” or “recreation area” means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities.
- i) “Religious institution” means any church synagogue, mosque, temple or building which is used primarily for religious worship and related

religious activities.

- j) “Residential district or use” means a single family, duplex, townhouse, multiple family, or mobile park or subdivision and campground as defined in the Stevens Point Zoning Ordinance.
- k) “School” means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- l) “Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- m) “Sexually Oriented Business” means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency or nude model studio.
- n) “Specified Anatomical Areas” as used in this division means and includes any of the following:
 - 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- o) “Specified sexual activities” as used in this division, means and includes any of the following:
 - 1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3) Masturbation, actual or simulated;
 - 4) Human genitals in a state of sexual stimulation, arousal or tumescence;
 - 5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- p) “Substantial Enlargement of a Sexually Oriented Business” means

increase in the floor areas occupied by the business by more than 15%, as the floor areas exist on the date of adoption of this ordinance.

- q) “Substantial or regularly”. In order to determine if a business is substantially or regularly orientated to sexually orientated business as defined in this ordinance, the predominant amount of capital, labor, time, attention, floor space, together with the amount of gross and net revenues derived from and devoted to Sexually Oriented Business activities versus other sources shall be determinative.
- r) “Transfer of Ownership or Control of a Sexually Oriented Business” means and includes any of the following:
 - 1) The sale, lease or sublease of the business;
 - 2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
 - 3) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

3.0 Establishment and Classification of Businesses Regulated.

- a) The establishment of a sexually oriented business shall be permitted only in the specified “M-1” Light Industrial District and “M-2” Heavy Industrial District zones, and shall be subject to the following restrictions. No person shall cause or permit the establishment of any of the following sexually oriented businesses, as defined above, within 500 feet of any religious institution, school, boys’ club, girls’ club, or similar existing youth organization, or public park or public building, or within 500 feet of any property zoned for residential use or used for residential purposes and are classified as follows:
 - 1) Adult arcade
 - 2) Adult bookstore, adult novelty store or adult video store
 - 3) Adult cabaret
 - 4) Adult motel
 - 5) Adult motion picture theater
 - 6) Adult theater
 - 7) Massage parlor
 - 8) Sexual encounter establishment
 - 9) Escort agency, or
 - 10) Nude model studio

4.0 Measurement of Distance.

As regarding Section 3, paragraph A, the distance between any sexually oriented business and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park

or public building or any properties zoned for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures or objects from the nearest point of the property line of the premises where the sexually oriented business is conducted, to the nearest point of the property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes.

5.0 Exemptions.

Notwithstanding anything to the contrary in this ordinance, the provision of this ordinance do not apply to the following establishments; theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in otherwise sexual oriented business.

6.0 Severability

If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity with the remaining section, subsection and clauses shall not be effected thereby.

7.0 Conflicting Ordinance Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

g) Planned Development District: Traditional Neighborhood Development

Proposed developments contemplated by an applicant to include design features described as “traditional neighborhood development” in Wisconsin Statutes Sec. 66.1027(1)(c) (1999-2000 Statutes) may be considered for approval at locations determined appropriate by the City under this section, including appropriate conditions. A document identified as “A MODEL ORDINANCE FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT”, dated April, 2001, published by the University of Wisconsin Extension pursuant to Wisconsin Statutes Sec. 66.1027(2), shall serve as a non-exclusive guidebook to assist in further defining the various aspects of this form of urban design, along with such other sources of guidance the Plan Commission and local governing body may choose to consult.

h) "PID" Planned Industrial Development District

A Planned Industrial Development is a zoning district that is permitted within the Industrial Districts. The district allows flexibility in site design and building type standards approved by the Common Council.

1. Components of a PID

A PID approval consists of two separate steps:

- a. Approval of a rezoning and concept plan, by the Common Council; and
- b. The subsequent approval of a preliminary subdivision plat or site plan consistent with the PID concept plan by the Planning Commission.

2. When Allowed

- a. A PID is intended for industrial projects that demonstrate a higher quality of site design that is more sensitive to the surrounding land uses, both built and natural, than is possible under other available zoning districts.
- b. All permitted and/or conditional uses found within the "M-1" Light Industrial and "M-2" Heavy Industrial zoning districts may be allowed as a permitted or conditional use.

3. Application and Fees

- a. A pre-application conference with the City Zoning Administrator (Administrator) is required.
- b. All applications for a PID shall be filed in writing with the Administrator.
- c. The application shall include the following additional materials:
 - i. A narrative explaining in detail the uses that will occur on the site, the square footage of structures and uses, open space acreage, the relationship of the proposed development to surrounding land uses in the area and other related development features;
 - ii. Concept plan schematically showing all streets, utilities, land uses, access to existing streets, major open space and a conceptual drainage plan; and
 - iii. A specific list of all requested deviations from the provisions of this zoning code.
- d. The applicant may provide concurrent applications for site plan or

subdivision review.

4. Rezoning and Concept Plan Review by Administrator

- a. The Administrator may refer the application to other affected or interested agencies for review and comment.
- b. The Administrator shall provide notice as set out in this zoning ordinance and/or Wisconsin Statutes.
- c. The Administrator shall recommend approval, approval with conditions, or denial of the PID rezoning and concept plan.

5. Rezoning and Concept Plan Review by Planning Commission

- a. Following notice and a public hearing as required in this ordinance and /or Wisconsin Statutes, the Planning Commission shall recommend approval, approval with conditions, or denial of the PID rezoning and concept plan.
- b. In recommending, the Planning Commission shall consider the recommendation of the Administrator, relevant comments of all interested parties and the review criteria below.

6. Public Hearing and Decision by the Common Council

- a. Following notice and a public hearing as required in this zoning ordinance and/or Wisconsin Statutes, Common Council shall approve, approve with conditions, or deny the PID rezoning and concept plan.
- b. In deciding, the Common Council shall consider the recommendations of the Administrator and Planning Commission, relevant comments of all interested parties and the review criteria below.

7. Review Criteria

The Common Council shall consider the following criteria in approving, approving with conditions, or denying a PID rezoning and concept plan:

- a. The proposed PID is consistent with the pertinent elements of the City of Stevens Point Comprehensive Plan and any other adopted plans;
- b. The proposed development meets the requirements of this zoning ordinance or is granted a specific deviation by the Common Council ;
- c. The proposed PID will reinforce the existing or planned character of the area;
- d. The site is appropriate for the uses and site design allowed in the proposed PID concept plan;
- e. The PID demonstrates a higher quality of site design that is more sensitive to the surrounding lands, both built and natural, than is possible under other available zoning districts;

- f. Public facilities and services including but not limited to schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities are adequate and will not be detrimentally impacted by the development or uses in the proposed PID; and
- g. The PID will not substantially or permanently injure the appropriate use of adjacent properties.

8. Allowed Deviations

Unless otherwise expressly approved by the Common Council as part of the approved rezoning and concept plan, all planned developments shall be subject to all applicable standards of this zoning ordinance. In order to approve modifications of otherwise applicable standards, the Common Council must find that:

- a. Requested deviations from applicable building type standards, permitted uses, or other development standards that otherwise would apply are justified by the compensating benefits of the planned development; and
- b. The requested deviations do not detract from the established character or form of any surrounding conforming properties.

9. Action Following Approval

Approval of a PID rezoning and concept authorizes the submission of subdivision plats and site plans consistent with the PID approval.

10. Modification of Adopted Concept Plan

The Administrator is authorized to approve minor modifications to an approved concept plan. All modifications not listed as minor below shall be considered by the Common Council consistent with the original approval of the PID. The following modifications shall be considered minor:

- a. Up to a 10 percent increase or any decrease in gross floor area of a single building;
- b. Up to a 10 percent reduction or any increase in the approved setbacks from exterior property lines; and
- c. Relocation of parking areas, internal streets or structures where such relocation occurs more than 100 feet from exterior property lines.

11. Effect of Denial

The denial of a PID application shall ban the subsequent application for the same or similar district for a period of 12 months.

12. Expiration

A PID rezoning does not expire. A PID concept plan expires after two years if no preliminary plat, site plan or building permit has been filed. A two year

extension may be granted by the Common Council.

23.03 ADMINISTRATION

1) Zoning Administrator.

There is hereby created the position of Zoning Administrator who shall have the powers and duties as outlined herein.

- a) Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications.
- b) Issue permits and inspect properties for compliance with this Ordinance and issue Certificates of Compliance when appropriate.
- c) Keep the official records of all water surface profiles, flood plain maps, flood plain ordinances, nonconforming uses and changes thereto, permit applications, emits, appeals, variances, and amendments related to the flood plain regulations.
- d) Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, and any other required information to the Department of Natural Resources. An annual summary showing only the number and types of zoning actions taken by the City, shall be submitted to that Department by the Zoning Administrator.
- e) Investigate, prepare reports and report violations of this chapter to the City Attorney with copies of flood plain violations to the appropriate district office of the Department of Natural Resources.
- f) Submit copies of flood plain map and text amendments and annual reports to the Federal Insurance Administration of the Department of Housing and Urban Development.
- g) Maintain on file a list of all documents of certified elevations.

2) Required Permits.

- a) Land Use Permit. A permit must be obtained from the Zoning Administrator before any alteration subject to the provisions of this ordinance may be initiated no permit is required for minor alterations. The Zoning Administrator is authorized and responsible for making the determination of non-applicability and shall certify thereto in appropriate cases, which determination for a permit shall be accompanied by location sketches drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing structure to be erected, altered, or moved, the existing or intended use of the premises, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance. All dimensions shown relating to the

location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before the land use permit is issued. Except as otherwise provided in this ordinance, the Zoning Administrator shall issue a permit within 10 days after the receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

Applications for work in the floodway or flood fringe district shall be accompanied by two copies of an aerial photograph or plan which accurately locates the flood plain proposal with respect to the flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floorelevations and flood proofing measures; a typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-section area to be occupied by the proposed development, and high water information; plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevation; size, location and spatial arrangements of all proposed and existing structures on the site, location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information; profile showing the slope of the bottom of the channel or flow line of the stream; specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply, and sanitary facilities. The Zoning Administrator shall transmit a copy of such information to the Department of Natural Resources along with a written request to have that agency provide technical assistance.

3) Changes and Amendments.

The Common Council of the City of Stevens Point may, from time to time, alter, supplement, or change the boundaries of districts and the regulations contained in this chapter in the manner provided by law. Increases in flood elevation equal to or greater than .1 foot require amendment to this ordinance, the official flood plain zoning maps (including floodway lines) and water surface profiles in accordance with this paragraph. The total cumulative effect of the proposed development shall not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream. Copies of any amendment regulating floodplain provisions shall be submitted to the appropriate District Office of the Department of Natural Resources. No amendment to the maps or text of this ordinance that may affect flood plain regulatory measures shall become effective until reviewed and approved by the Department of Natural Resources. All persons petitioning for a map amendment which involves an increase in the height of the regional flood of .1 foot or more shall obtain flooding easements, or other appropriate legal arrangements, from all affected local units of government and property

owners before the municipality may approve amendment which could result in an increase to the regional flood elevation.

The Common Council of the City of Stevens Point may, from time to time, alter, supplement or change the boundaries of districts and the regulations contained in this Zoning Ordinance in the manner provided by law. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest, and further, shall not recommend a proposed amendment without due recognition of the master plan of the City and without due recognition of the impact the change may have upon the neighborhood and the public facilities serving the area. Factors which the Plan Commission shall consider include, but are not limited to, the following:

- a) the impact of the proposed amendment, and potential subsequent amendment requests, will likely have on area parking, street capacity, street access, neighborhood traffic levels, pedestrian mobility and other traffic-related issues;
- b) the impact the proposed amendment, and potential subsequent amendment requests, will likely have upon area drainage, its impact on surrounding properties and the natural environment, and the capacity of public systems to accommodate the drainage;
- c) population density changes;
- d) school population changes;
- e) costs to provide adequate sanitary and storm sewer and water to the area;
- f) adequacy or recreational facilities serving the proposed area;
- g) other factors which affect the public health, safety, and welfare;
- h) other factors which are enumerated in the Purpose and Intent Statement of this. The Plan Commission may use any of the above factors as reason for denial or modification of the amendment request.

23.04 DEFINITIONS AND RULES.

1) Rules.

In the construction of this ordinance, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions or work use shall apply:

- a) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
- b) The word “shall” is mandatory and not discretionary;

- c) The word “may” is permissive;
- d) The word “lot” shall include the words “piece”, “plots”, and “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “use for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

2) Definitions.

A ZONES - Those areas shown on a municipality’s “Official Floodplain Zoning Map” which would be inundated by the “base flood” or “regional flood” as defined herein. These areas may be numbered as A0, A1 to A30, A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending upon the availability of data for a given area.

ACCESSORY BUILDING OR USE is a building, use, or activity which is conducted or located on the premises or immediately across the street from the principal use served, clearly incidental to, subordinate in purpose to, and clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupant, employee, customer, or visitor of or to the principal use. The accessory use may not be located on a parcel where the principal use is not permitted. Any accessory use which is not on the site of, or is across the street from, the principal use must be reviewed and approved by the Common Council.

ADMINISTRATOR - The person or office designated by the Common Council and charged with certain tasks including but not limited to interpreting the provisions of this Zoning Code, and other duties prescribed under this Zoning Code.

AGRICULTURE is the use of land for agricultural purposes, including farming, pasturage, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and shall contain a minimum of ten (10) acres in size.

AIRPORT, PUBLIC is any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

AIRPORT HAZARD means any structure or tree or use of land which obstructs the air space required of the flight of aircraft in landing or taxiing off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

ALLEY - a public or private right-of-way primarily designated to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APARTMENT - a room or suite of rooms located in a multiple dwelling or a series of detached units including apartment motels, which shall include bath and kitchen accommodations, intended or designed for use as an independent residence by a single family or individual.

APARTMENT, FLAT - a floor or story in a building; an apartment on one floor.

APARTMENT BUILDING - a multiple family dwelling originally designed and constructed to accommodate three (3) or more apartments, designed with more than one (1) dwelling unit connecting to a common corridor or entranceway, in contrast to single or two family dwellings converted for multiple family use or attached row dwelling (party wall type) as defined herein.

APARTMENT HOTEL - is a hotel in which at least 90 percent of the hotel accommodations are occupied by guests on a week-to-week or longer time period basis.

APARTMENT HOUSE - See: "Dwelling, Multiple".

ARTERIAL STREET – As designated on the most recent Wisconsin Department of Transportation Functional Classification Map.

AUTOMOBILE SALVAGE YARD - See Junk or Salvage Yard.

BALCONIES - a platform that projects from the wall of a building and is enclosed by a parapet or railing, which is large enough to be used for leisure time activities excluding jump balconies, used for fire exit purposes.

BASE FLOOD - a flood having one percent change of being equaled or exceeded in any given year. See also "Regional Flood".

BASE FLOOD ELEVATION - an elevation equal to that which reflects the height of the base flood as defined above.

BASEMENT - is that portion of a building below the first or ground floor level with its entire floor below exit discharge grade.

BAZAAR - a fair for sale of goods.

BED AND BREAKFAST ESTABLISHMENT - is any place of lodging that provides 4 or fewer rooms for rent, is the owners personal residence and is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. Guests shall not exceed seven consecutive days of occupancy.

BILLBOARD - see Sign, Advertising/Billboard/Off-Premise

BLOCK - is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines.

BOULEVARD - the space between the sidewalk and the curb or the equivalent space where sidewalk and/or curb are not installed.

BUILDING - is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently or temporarily affixed to the land or on the surface or bed of a lake or stream. When a building is divided into separate parts, each part may be deemed by the Zoning Administrator as a separate building.

BUILDING AREA - shall be the area dedicated to above grade living space and shall not include the basement, garage, enclosed porches, decks or other non-living spaces not dedicated to year-round occupancy.

BUILDING DETACHED - is a building surrounded by open space on the same lot.

BUILDING HEIGHT - is the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable, pitch or hip roof.

BUILDING LINE/STREET SETBACK LINE - minimum horizontal distance between an existing or proposed street right-of-way and the nearest point of a structure. The street setback of any lot or parcel abutting on a street shown as a proposed future street on the City's "Official Street Map" shall be measured from the proposed right-of-way line of different from the existing right-of-way line if different from the existing actual right-of-way line.

BUILDING WIDTH - shall be measured at the minimum width of the main portion of the building and shall not include additions and shall be exclusive of garages, porches, decks.

BULKHEAD - is a structure or partition to resist pressure or to shut off water

BULKHEAD LINE - a geographic line along a reach of a navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Sec.. 30.11 Wisconsin Statutes and which allows complete filling on the landward side, except where such filling is prohibited by the floodway provisions of this ordinance.

CALIPER – The diameter of plant material, measured at six inches above grade.

CANOPY - is a roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from

the weather. The provisions of this ordinance concerning canopies shall apply only to canopies located on lands outside of street rights-of-way.

CELLAR - that part of a building having more than one-half of its height below the average grade of the adjoining ground.

CERTIFICATE OF COMPLIANCE - a certification by the Zoning Administrator that a structure, use, or development is in compliance with all provisions of this ordinance.

CHANNEL - a natural or artificial watercourse with definite bed and banks to confine and conduct the flow of water.

CITY ENGINEER – A registered engineer in the State of Wisconsin designated by the Common Council, and or his/her designee.

CLINICS - a building or buildings used by two or more physicians and/or dentists, osteopaths, chiropractors and allied professions for outpatient care of persons requiring such professional service.

CLUB OR LODGE, PRIVATE (NON-PROFIT) - is a non-profit association or persons, who are bonafide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals and beverages on such premises.

CONDITIONAL USE - See: Use, Conditional

CONDOMINIUMS - individual ownership of a unit in a multi-unit structure (as an apartment building).

CONSERVATION STANDARDS - guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Portage County adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities.

CONVALESCENT HOME/REST HOME/NURSING HOME - a building or structure having accommodations and where care is provided for invalid, inform, aged, convalescent, or physically disabled or injured persons, not including insane and other mental diseases, inebriate, or contagious diseases.

DANCE STUDIO - is a place for the instruction of dance by qualified instructors in an organized setting. The emphasis for the operation of the dance studio is primarily one of education and not recreational or fitness-related in nature.

DAY CARE CENTER OR CENTER - any place which receives at any one time, for compensation, 4 or more children for care and supervision for less than 24 hours a day without the attendance of a parent, relative, or legal guardian. All such facilities shall comply with HHS Chapter 55; ILHR Chapter 60, and all other applicable municipal or state codes.

- a) Family Day Care Center - a center where care and supervision is provided for 4 to 8 children regardless of age.
- b) Large Group Day Care Center - a center that provides care and supervision for more than 8 children regardless of age.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.

DORMITORY - a building other than a hotel or apartment hotel where for compensation and by pre-arrangement for definite periods lodging, meals, or lodging and meals are provided for 20 or more persons.

DWELLING - is a building, or portion thereof, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings, multiple family dwellings, and apartment hotels.

DWELLING UNIT - a house, apartment, group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not share living facilities with any other persons in the structure and which quarters have direct access from the outside of the building or through a common wall. The occupants may be a single family or any group of related or unrelated persons who share living arrangements.

DWELLING, ATTACHED - (Group, Row or Townhouse) a dwelling joined to one or more other dwellings by party wall or walls.

DWELLING, DETACHED - a dwelling entirely surrounded by open space, said open space, said open space being on the same zoning lot as the dwelling.

DWELLING, EFFICIENCY - See Dwelling Unit.

DWELLING, MULTIPLE - a dwelling containing 1) three or more dwelling units, and/or 2) a dwelling unit with any number of persons in excess of one family.

DWELLING, SINGLE FAMILY - a detached dwelling containing accommodations for and occupied by one (1) family only.

DWELLING, TWO FAMILY - a dwelling designed exclusively for occupancy by two (2) families living independently of each other and occupied by two (2) such families only.

EASEMENT - A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC AMUSEMENT PARLORS - any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing “electronic amusement devices” to the public at retail, and/or any premises operated by any organization, incorporated or not, which is the owner, lessee, or occupant of a building, the majority of whose gross receipts are derived from the providing of “electronic devices” to the public at retail.

ENCROACHMENT - any fill, structure, building, accessory use, use or development in the floodway.

ENCROACHMENT (FLOODWAY) LINES - are limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows.

EQUAL DEGREE OF HYDRAULIC ENCROACHMENT - the effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owner up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance not upon the distance the encroachment extends into the floodway.

EXTENDED MEDICAL CARE FACILITIES - refers to those medical facilities designed to accommodate inpatients in need of length recuperative periods requiring nursing attention and periodic medication.

FAMILY - an individual, or two or more person related by blood, marriage, adoption, foster child arrangement, or similar legal relationship and functioning as a single housekeeping entity, or such individual or person plus one individual not having such similar legal relationship but functioning as a part of the single housekeeping entity.

FARMER’S MARKET - an area designated by the municipality to be used by producers of farm products for sale of such products.

FENCE - a structure providing enclosure or serving as a barrier, but not protecting against the elements.

FIELD CROPS - the growing of crops such as vegetables, fruit trees, and grain and the packaging or storage of the products produced on the premises.

“FLOOD” OR “FLOODING” - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD FRINGE DISTRICT - the flood fringe is that portion of the flood plain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

FLOOD HAZARD BOUNDARY MAP - a map prepared by the Federal Emergency Management Agency designating areas of special flood hazard within a given community. Flood hazard areas are designated as A Zones. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

FLOOD INSURANCE STUDY - a technical engineering examination, evaluation, and determination of the city flood hazard areas. It provides maps designating those areas affected by the regional flood elevations as well as floodway lines. The flood hazard areas are basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD INSURANCE STUDY MAP - a map prepared by the Federal Emergency Management Agency, designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazards and insurance rate zones are designated as A Zones. Said maps form the basis for the regulatory and/or the insurance aspects of the National Flood Insurance Programs.

FLOOD PLAIN - the flood plain is the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe. For the purposes of the Flood Insurance Program, the flood plain as herein defined all A Zones on the official flood boundary and floodway map, or flood insurance rate map for the City of Stevens Point.

FLOOD PROFILE - a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

FLOOD PROOFING - any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION - the flood protection elevation shall correspond to a point two feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines. Also See: FREEBOARD

FLOODWAY DISTRICT - the floodway is the channel of a river or stream and those portions of the flood plain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

FREEBOARD - “freeboard” is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

GARAGE, PRIVATE - is a detached accessory building or portion of a main building housing the automobiles of the occupants of the premises.

GASOLINE SERVICE STATION - any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and other items customarily associated with the sale of such products; for the rendering of services to motor vehicles and the making of repairs to motor vehicles except those of a major type. Repairs of a fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; or complete recapping or retreading of tires. Automobile service stations shall not include the sale or storage of junkers, shall not include premises offering major automobile repairs, automobile wrecking, automobile sales or automobile laundries.

GARDEN APARTMENT - any of various multi-unit dwellings having considerable lawn or garden space.

GARDEN PLOTS - a parcel used for the growing of vegetables, flowers, etc. used for human consumption but not for commercial sale.

GRADE - is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FLOOR AREA - the square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

GROUND FLOOR - is that level of a building on a sloping or multi-level site which has its floor line at or not more than three (3) feet above exist discharge grade.

GROUP HOME - a facility wherein one to eight physically, mentally, or emotionally handicapped individuals are provided with room, board, ordinary care and supervision in a family environment; the operator is not legally related to the individuals for whom care is being provided; and the facility is operated by a person(s) required to be licensed by

the State of Wisconsin and in conformance with State Statutes. A “group home” is neither a halfway house nor a nursing home.

GUEST, PERMANENT - is a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.

HALFWAY HOUSE/REHABILITATION CENTER/HOME FOR ADJUSTMENT - a facility for the rehabilitation of persons who are prisoners, former prisoners, or juvenile offenders, in a controlled environment with supervision, treatment, or counseling provided on-site on an interim basis after referral from a public agency or institutional facility.

HOME OCCUPATION/PROFESSIONAL OFFICE - is any occupation or profession carried on by a member of the immediate family residing on the premises provided that such occupation is incidental to the use of the premises for residential purposes and does not affect any substantial change in the external arrangement of the building or in the character of the neighborhood; no substantial amount of stock in trade is kept of commodities sold; no more than one person beyond the immediate family may be employed in said home occupation. A professional person may use his residence for consultation, emergency treatment, or performance of religious profession. Home occupations are not permitted which involve the presence of any kind of animal, rodent, or aquatic life on the premises as an essential part of such home occupation.

HOSPITAL - “hospital” may be a public or private, profit or non-profit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institution sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include cafeteria, gift and floral shops, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the patient services pharmacies and similar uses; provided, however, that any such accessory use is so related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex, and provided further that the floor area occupied by all accessory uses does not exceed one-third of the total floor area. Whether or not a questionable use is “similar” or an “integral” part of the total purpose shall be subject to determination by the Board of Appeals. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation of area occupancy.

HOTEL - is an establishment which is open to transient guest, as compared to a boarding rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service.

HYDRAULIC REACH - a designated length of river, stream or lake where the storage of flood water therein has been taken into account to reduce the regulatory flood

discharge. Major man-made or natural changes in the river character, limits of political jurisdiction, or a change in the flood-routing technique used to determine the storage and translation of a flood wave through the area of interest may be used to define the end of a hydrologic reach (e.g. a dam may be considered a major man-made change in the river character or a change from channel routing to reservoir routing may be considered a major change in the flood-routing technique).

INDUSTRIAL PARK - is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organization, or governmental organizations.

INN - is a lodging type that may or may not be owner-occupied, offering 5 to 12 bedrooms, permitted to serve breakfast in the morning to guests. Guests shall not exceed fourteen consecutive days of occupancy.

JUNK (OR SALVAGE) YARD - is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk or salvage yard” includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

LAND USE - any development as defined herein

LAND USE PERMIT - refers to the written approval of the Zoning Administrator certifying that the applicants’ plans and proposed use comply with all applicable provisions of this ordinance.

LOADING AREAS - any area where trucks are parked, maneuvered, or loaded or unloaded of materials or equipment.

LOADING SPACE - an off-street space or berth on the same lot with a building, or contiguous to a group of buildings and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. No part of any public street or right-of-way shall be a part of or used as loading spaces.

LOT - is a parcel of land which is either a “lot of official record” or a “zoning lot”. Every building or use shall be located on a single lot of official record and there shall not be more than one main building on one lot of official record except that the Plan Commission may authorize more than one main building on one lot of official record after their review and approval of such a proposal.

LOT OR PLAT OF OFFICIAL RECORD - a parcel of land or subdivision of parcels which would be recorded in the office of the Portage County Register of Deeds, or a

single lot or parcel described by meters and bounds or by a certified survey map, the description of which has been recorded.

LOT AREA, GROSS - is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a lake or river.

***LOT DEPTH** - is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

***LOT LINE, FRONT** - shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. In the case of the land-locked or partially land-locked land, the front lot line shall be that lot line that faces the access to the lot.

***LOT LINE, REAR** - shall be that boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. If there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the line bounding the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line shall be a line 15 feet long, within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

***LOT LINE, SIDE** - shall be any boundary of a lot which is not a front lot line or a rear lot line.

***LOT WIDTH** - is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

***LOT, CORNER** - a lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street two (2) chords of which form an angle of one hundred twenty (120) degrees or less measured on the lot side.

***LOT, INTERIOR** - is a lot other than a corner or reversed corner lot.

***LOT, REVERSED CORNER** - is a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

***LOT, THROUGH** - is a lot having a pair of opposite lot lines along two more-or-less parallel public streets, and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.

LOT, ZONING - is a single tract of land which (at the time of filing for a Land Use or Building Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons

applying for the Land Use and/or Building Permit(s). A zoning lot shall be large enough to meet the various yard, area and setback requirements of this ordinance.

MANUFACTURED HOME - shall mean a structure certified and labeled as a manufactured home under 42 USC Secs 5401 to 5426, or its successors, which when placed on the site:

- a) The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home,
- b) is installed in accordance with manufacturer's instructions,
- c) is properly connected to utilities.

MOBILE HOME LOT - a parcel of land rented or sold for the exclusive use of the occupants of a single mobile home, only in a mobile home park.

MOBILE HOME PARK - a tract of land designed, maintained, or intended for the purpose of supplying a long term location or accommodations for one or more mobile homes, and upon which any mobile home, coach, or mobile home coaches are parked, and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection, display, and sale.

MOTEL - a combination or group of two (2) or more detached, semi-detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

MUNICIPAL SERVICE AND OPERATIONAL FACILITY - is a building improvement, or structure which functions to support an operation or service of a City department including but not limited to public works buildings, park shelters, storage facilities, transit buildings, protective service facilities, garages and/or sheds and other structure(s) which serve a particular city function.

NON-CONFORMING USE - is any use of land, buildings, or structures, lawful at the time of enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use of the zoning districts in which such use is located.

NURSING HOME/CONVALESCENT HOME/REST HOME - a building or structure where care and accommodations are provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons. This definition does not include persons who are insane or suffer other mental diseases, are inebriate or persons with contagious diseases. A 'Nursing Home' is neither a group home nor a halfway house.

OFFICIAL FLOOD PLAIN ZONING MAP - that map adopted and made part of this ordinance, which has been approved by the Department of Natural Resources and Federal Emergency Management Agency and which delineates those areas which will be inundated by the base or regional flood. This map may be a Flood Hazard Boundary Map, Flood Insurance Study Map, or other approved county flood plain map.

OFFICIAL LETTER OF MAP AMENDMENT - official notification from the Federal Emergency Management Agency that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

OFF-PREMISE SIGN/BILLBOARD - sign, off-premise/billboard is a sign constructed or maintained for advertising by means of posters, pictures, pictorial or reading matter, when such sign is supported by uprights or braces, placed upon the ground or affixed to the wall or roof of a building, structure, or trailer, describing the products or services not sold or produced (as a primary business) on the premises where the sign is located.

ORDINARY HIGH WATER MARK - the highest point on the bank of a normal stage channel at which the water level has been for a sufficient period of time to leave a distinguishable mark including stream banks, limits of vegetation or other obvious indicators.

PARKING LOT - is a building or premises containing one or more vehicle parking spaces excluding parking for single and two family residences.

PARKING SPACE - an unobstructed and clearly marked 162 sq. ft. area not counting turning, ingress and egress areas as determined by the Zoning Administrator. Each such parking space shall be located off the public street but accessible thereto. A loading space is not a parking space .

PATIO HOUSE - a single family residence constructed lot-line-to-lot-line and oriented about a central court.

PERSON - means any individual, firm, association, corporation or body politic and includes any receiver, assignee, or similar representative thereof.

PERVIOUS PARKING SURFACE - Parking surface which is engineered to allow the infiltration of water, air, and nutrients to root systems of adjacent plant material which lie directly under the ground. Loose gravel is not a pervious parking surface.

PLANNED DEVELOPMENT DISTRICT - is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent or planned land uses and zoning districts and which allows compatible mixed land uses. The developer or developers may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of

development, including any specific features which will be of exceptional benefit to the community as a whole.

PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. Also See: Home Occupation, Professional Office.

PUBLIC WAY - is any sidewalk, street, alley, mall, highway, or other public thoroughfare.

REACH, HYDRAULIC - a hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream bed slope or vegetation.

REGIONAL FLOOD - the regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year, there is a 1% chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurrence.

REHABILITATION CENTER - See “Halfway House”

REST HOME - See “Convalescent Home”

SETBACK - the minimum horizontal distance between the property line and the nearest point of a building.

SHOPPING CENTER - a retail center designed for the purpose of retailing and providing a wide range of goods and services of both the “convenience” and the “shoppers or durable” nature such as apparel, furniture, and banking and financial services, for a trade area comprised of the entire community and extending beyond such center may include a number of separate businesses and stores within one or more structures under the ownership and management by one or more individual business and/or by a separate developer or corporation.

SIGN, OFF-PREMISE BILLBOARD - a sign constructed or maintained for such sign is supported by uprights or braces, placed upon the ground or affixed to the wall or roof of a building, structure, or trailer, describing the *products or services not sold or produced (as a primary business) on the premises* where the sign is located.

SMALL-SCALE ALCOHOL PRODUCTION - a type of brewery, winery, or distillery wherein the area of the establishment devoted to the production of malts and liquors shall not exceed ten thousand (10,000) square feet. The establishment may include a tasting

room, office, retail, eating and drinking establishment, or event facility components in addition to the area devoted to production of malts and liquors.

STORAGE CAPACITY OF A FLOOD PLAIN - the volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

STORY - is that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above a basement is a story if it is six (6) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

STORY, HALF - a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

STRUCTURE - any man-made object or object placed by man with form, shape, and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream, bed or lake bed, which includes, but is not limited to such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

TEMPORARY BUILDINGS - shall include but not be limited to manufactured homes, mobile homes, relocatable structures, or other temporary tents or structures. No business shall be carried on in a temporary structure except when used as a temporary building as provided for in this ordinance.

TEMPORARY HOUSING - housing which is intended to house individuals or families in a single facility who have no other housing available. Housing is intended to be provided for a period of six months or less. Temporary housing shall be managed by an agency who shall provide supervision during all hours of operation. Temporary housing residents shall not include individuals participating in a work release, institutional or any Department of Corrections program.

TOWNHOUSE - is a multiple family dwelling which is one or two stories in height, usually with the living room, dining room, and kitchen on the ground floor, with sleeping rooms on the second floor. Townhouses provide flexibility by allowing several ground floor, single family dwelling units to be constructed in one structure around a street or court. This type of construction provides low-lot coverage with concentrated dwelling units often in combination with unified open space for use by the townhouse residents.

TRAILER - means a movable or portable unit to be towed on its own chassis and which is used for recreational purposes, and is not designed for permanent or long-term residence.

TRUCK GARDEN/TRUCK FARM - a farm devoted to the production of vegetables or other field products as cash crops.

UNIVERSITY SERVICES - means university-run services necessary for the operation of the university but not directly involved in instruction such as heating plant, maintenance, central stores, security, university vehicle fleet, university printing, etc.

USE - “use” of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY - See Accessory Use.

USE, CONDITIONAL - is a use, either public or private, which because of its special characteristics, cannot be allowed as a permitted use in a particular district or districts. After due consideration in each case of the impact of such use upon neighboring land, such “conditional use” may or may not be granted, subject to the terms of this ordinance and the intent of the respective district.

USE, PERMITTED - is the main use of land or buildings as distinguished from asubordinate or accessory use. A “principal use” may be “permitted” or “conditional”.

UTILITIES - any public or private water supply, or waste collection and/or disposal system, including but not limited to septic systems, private and public wells, and their attendant facilities, public sewage collection system, and treatment facilities.

VARIANCE - a modification or variation of the provisions of this ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance. Variances can be considered and granted by the Zoning Board of Appeals only.

***YARD** - is an open space on the same zoning lot with a building or structure, unoccupied and uncontracted from its lowest level to the sky. A “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

***YARD, CORNER SIDE** - is a side yard which adjoins a public street.

***YARD, FRONT** - is a yard extending along the full length of the front lot line between the side lot lines.

***YARD, INTERIOR SIDE** - is a yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

***YARD, REAR** - a yard extending the full width of the lot between the rear lot line and the nearest part of the main building, excluding uncovered steps; provided that if there be an alley abutting on a rear yard, the rear lot line shall be the center line of such alley. In case of irregular or triangular lots, where none of the lines bounding on the rear of the lot are at an angle of less than 45 degrees to the front lot line, the rear lot line shall be a line 15 feet long, within the lot, parallel to the front lot line of the main chord thereof, and at the maximum distance from the front lot line.

***YARD, TRANSITIONAL** - is that yard which must be provided on a zoning lot in a Commercial district which adjoins a zoning lot in a Residence district, or that yard which must be provided on a zoning lot in an Industrial district which adjoins a zoning lot in either a Residence or Commercial district.

***ZONES** - all zones established by this ordinance are as shown on the City's Official Zoning Map, which is incorporated herein by reference thereto. Zoning districts apply to all lands in the City except public right-of-way improved for public travel.

ZONING ADMINISTRATOR - is the officer and assistants designated by the City Council as the officer responsible for enforcing and administering all requirements of this Zoning Ordinance.

ZONING LOT - See Lot, Zoning.

(* = See attached charts)

23.05 BOARD OF APPEALS

A Board of Appeals is hereby established. It shall hold meetings and have power provided by law. Appeals shall be accompanied by a fee in the amount indicated in the most recently adopted Department of Community Development Fee Schedule. A copy of all Flood Plain decisions by the Board of Appeals shall be mailed to the appropriate district office of the Department of Natural Resources.

The Board of Appeals shall not permit any change in established flood elevation or profiles; shall not grant flood plain variances for a use that is common to a group of adjacent lots or premises (in such case, the Zoning Ordinance would have to be amended through proper procedures); shall not grant a variance unless it is consistent with the spirit and intent of the ordinance and will not be contrary to the public interest or damaging to the rights of other persons or property values in the area; shall not grant a variance for an action which requires an amendment to the flood plain regulations; shall not grant a variance which would have the effect of allowing or expanding a use or structure which is prohibited in that zoning district; shall not grant a variance for a self-created hardship.

The Board of Appeals may permit modification or additions to structures which are not conforming with the flood fringe standards when the standards would result in unnecessary hardship and the structure will not be used for human habitation; the structure will not be associated with a high flood damage potential; human lives are not endangered; public facilities such as water or sewer, are not to be installed; flood depths will not exceed four feet; flood velocities will not exceed two feet per second and the structure will not be used for storage of materials that are buoyant, flammable, explosive, or which in time of flooding could be injurious to human, animal, or plant life. If a variance is granted, the community shall notify the property owner that increased flood insurance premiums may result.

Wis. State Statute 62.23(7)(e):

- 1) The council which enacts zoning regulations pursuant to this section, shall by ordinance provide for the appointment of a Board of Appeals, and shall provide in such regulations that said Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the City Plan Commission or the Common Council in accordance with zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.
- 2) The Board of Appeals shall consist of 5 members appointed by the Mayor subject to confirmation by the Common Council for terms of 3 years, except that of those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years. The members of the Board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members chairman. The Board may employ a secretary and other employees. Vacancies shall be filled by the unexpired terms of members whose terms become vacant. The Mayor may appoint, for staggered terms of 3 years, 2 alternate members of such Board, in addition to the 5 members above provided for. Annually, the Mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- 3) The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 4) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city, affected by any decisions of the administrative officer. Such appeal may be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

- 5) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, such 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 which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- 6) The Board of Appeals shall fix a reasonable time for the hearing for the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- 7) The Board of Appeals shall have the following powers: to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such Board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in a practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premise to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- 8) In exercising the above-mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the Board is taken, and may issue or direct the issue of a permit.
- 9) A majority of the members present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.
- 10) Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the

illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

- 11) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Appeals in order to review such decision of the Board of Appeals, and shall prescribe therein the time within which a return thereto must be made and served upon the realtors attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board of Appeals, and on due cause shown, grant a restraining order.
- 12) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.
- 13) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- 14) Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.
- 15) All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

23.06 ENFORCEMENT: VIOLATIONS AND PENALTIES

- 1) It shall be the duty of the Zoning Administrator; with the aid of the Police Department and City Attorney to enforce the provisions of this ordinance.
- 2) Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Zoning Administrator shall promptly report all such violations to the City Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building, or the establishment of such use or to cause such building, structure, or use to be vacated or removed.
- 3) Every structure, building, fill or development placed or maintained within any flood plain in violation of this ordinance is a public nuisance and the creation

thereof shall be enjoined and maintenance thereof shall be abated by action at suit of the City, the State, or any citizen thereof.

- 4) Any person, firm or corporation who violates, disobeys, neglects, or omits, any provision of this ordinance, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$35 nor more than \$500 for each offense, together with the cost of prosecution, and in lieu of payment of the forfeiture and costs, imprisonment in the County Jail of Portage County not to exceed 30 days.

Each day that a violation exists shall constitute a separate offense. Every violation of this chapter is a public nuisance and may be enjoined and the maintenance thereof may be abated by action at suit of the City of Stevens Point, the State, or any citizen thereof. In addition to the penalty, the owner shall be ordered to cease or correct the violation in a reasonable period of time as established by the City.

23.07 FEES

Schedule of Fees. The fee charged for permits will be in the amount as indicated in the most recently Common Council adopted Department of Community Development Fee Schedule. No application shall be accepted unless accompanied by the established fee. The applicant shall post a sign supplied by the city notifying the public of a proposed change. The sign shall be posted from the time of application to the final action by the Common Council. The posting of the sign is in addition to public notices required by law. Failure to post the sign shall not validate the Council action.

Illustrations: The illustrations contained in this part are provided solely to clarify the intent of textual provisions.

23.08 A. SHORELAND-WETLAND

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23.08 A. Shoreland-Wetland Ordinance

1.0 Statutory Authorization, Findings of Fact, Statement of Purpose and Title.

1.1 Statutory Authorization.

This ordinance is adopted pursuant to the authorization in ss. 62.23 and 62.231 for cities; and ss. 87.30 and 281.31, Wis. Stats.

1.2 Findings of Fact.

Uncontrolled development and use of the shoreland-wetlands, floodplains, rivers and streams, and the pollution of the navigable waters of this municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty. The governing body does ordain:

1.3 Purpose.

To promote the public health, safety, convenience and general welfare, and protect life, health and property, this ordinance has been established to:

- 1) maintain the storm and flood water storage capacity of wetlands;
- 2) prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- 3) protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
- 4) prohibit certain uses detrimental to the shoreland-wetland area;
- 5) preserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities;
- 6) minimize expenditures of public monies for costly flood control projects;
- 7) reduce rescue and relief efforts, generally undertaken at the expense of the taxpaying public;
- 8) prevent business interruptions which usually result in the loss of local incomes;
- 9) reduce damage to public facilities such as utilities, municipal buildings, streets and bridges which may be located in the floodplains;

- 10) prevent the occurrence of future flood blight areas on floodplains; and
- 11) discourage the victimization of unwary land and home buyers;
- 12) prevent increases in regional flood heights which could increase damage during floods and may result in conflicts or litigation between property owners.

1.4 Title.

This ordinance shall be known as the Floodplain and Shoreland-Wetland Zoning Ordinance for Stevens Point.

2.0 General Provisions

2.1 Compliance - Other Permits.

Any development, as defined in s. 9.2, in floodplains and shorelands shall be in full compliance with the terms of this ordinance. (However, see s. 5.0 of this ordinance for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

2.2 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.12(4)(a), Wis. Stats., applies.

2.3 Abrogation and Greater Restrictions.

- 1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities or 61.35 for villages or 87.30 Wis. Stats., which related to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the Shoreland-Wetland District or Floodplain District regulations shall apply when a property is located in both zoning districts.
- 2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.4 Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chs. NR 116 or NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provisions shall be interpreted in light of the chs. NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.5 Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction the remainder of this ordinance shall not be affected.

2.6 Warning and Disclaimer of Liability.

The degree of flood protection provided by this ordinance is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this ordinance does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality of any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

2.7 Zoning Maps.

The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of Community Development.

- 1) United States Geological Survey Quadrangle Maps revised and dated 1978.
- 2) Wisconsin Wetland Inventory maps stamped AFINAL@ on August 27, 1986.
- 3) Floodplain zoning maps titled Flood Boundary and Floodway Maps and dated June 1, 1983 including the Flood Insurance Study and corresponding profiles from Federal Emergency Management ASS dated Dec.1, 1982.
- 4) Comprehensive Zoning Base Maps titled Official Zoning Maps and dated February 19, 1979.

3.0 Shoreland-Wetland Zoning District

3.1 District Boundaries of Shoreland-Wetlands

- 1) The shoreland-wetland zoning district includes all wetlands in the municipality which (are five acres or more in size and) are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance in s. 2.7

and which are:

- a) Within one thousand (1,000) feet of the ordinance highwater mark of navigable lakes, ponds, or flowages.
 - b) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.
- 2) Determinations of navigability and ordinary highway mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary highway mark
- 3) Under s. 281.31, Wis. Stats., notwithstanding any other provision of law or administrative rule wetland zoning ordinances required under Wis. Stats., ss. 62.231 for cities and ch. NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;
- a) Such lands are not adjacent to a natural navigable stream or river;
 - b) Those parts of the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - c) Such lands are maintained in nonstructural agricultural use.

3.2 Permitted Uses in Shoreland-Wetlands.

The following uses are permitted subject to the provisions of chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- 1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - a) Hiking, fishing trapping, hunting, swimming, snowmobiling and boating;
 - b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - d) The pasturing of livestock;
 - e) The cultivation of agricultural crops;
 - f) The construction and maintenance of duck blinds.

- 2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - a) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - b) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - c) The maintenance and repair of existing drainage systems, where permissible under s. 30.20, Wis. Stats., to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Ch. 30., Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;
 - d) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - f) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shore-wetland listed in s. 3.4(1) of this ordinance;
 - g) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- 3) Uses which are allowed upon the issuance of a Zoning permit and which may include wetland alterations only to the extent specifically provided below:
 - a) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under s. 3.2, provided:
 - 1) The road cannot, as a practical matter, be located outside the wetland;
 - 2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in s. 3.4(1) of this ordinance;

- 3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - 4) Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5) Any wetland alteration must be necessary for the construction or maintenance of the road.
- b) The construction and maintenance of nonresidential buildings provided that:
- 1) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - 2) The building cannot, as a practical matter, be located outside the wetland;
 - 3) The building does not exceed 500 square feet in floor area; and
 - 4) Only limited filling and excavating necessary to provide structural support for the building is allowed.
- c) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- 1) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - 2) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - 3) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in s. 3.2(3)a;
 - 4) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines, and related facilities and the construction and maintenance of railroad lines provided that:

- 1) The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetlands;
- 2) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- 3) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in s. 3.4(1).

3.3 Prohibited Uses in Shoreland-Wetlands

- 1) Any use not listed in s. 3.2 is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with ss. 3.4 and 7.0.
- 2) the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

3.4 Rezoning Shoreland-Wetlands

- 1) Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in s. 2.7 of this ordinance pursuant to procedures established in s. 7.0. In order to insure that any amendment will be consistent with the shoreland protection objectives of s. 144.26, Stats., the municipality shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a) storm and flood water storage capacity;
 - b) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater through a wetland;
 - c) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d) shoreline protection against soil erosion;
 - e) fish spawning, breeding, nursery or feeding grounds;
 - f) wildlife habitat; or
 - g) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- 2) Upon notification of a proposed amendment has required by s. 7.0, if the district

office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in s. 3.4(1) of this ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

- 3) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in s. 3.4(1), that proposed amendment, if approved by the municipality shall not become effective until more than 30 days have elapsed since written notice of the council or board approval was mailed to the Department, as required by s. 7.0. If within the 30 day period, the Department notifies the council or board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality under ss. 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the council or board decision on the proposed amendment shall advise the petitioner of the provisions of this section.

SECTION 23.08 B.
FLOODPLAIN ORDINANCE

Amended : May 18, 2015

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for cities; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health, and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Stevens Point, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of

Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of Community Development Department for the City of Stevens Point. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel numbers 55097C0211D, 55097C0212D, 55097C0220D, 55097C0213D, 55097C0214D, 55097C0326D, 55097C0327D, 55097C0331D, 55097C0335D, 55097C0375D, 55097C0250D, and 55097C0210D, dated July 20, 2009; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated July 20, 2009, volume number 55097CV00A.
Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Letter of Map Revision(s): 55097C0214D FIRM map panel revision, Case number 14-05-4844, performed by AECOM Engineering Services, and approved by FEMA on December 29, 2014, effective May 15, 2015.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below.

If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine

the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 62.23 for cities; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a

court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) **ANNEXED AREAS FOR CITIES**

The Portage County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 **CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 **PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district

in which the structure is located;

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.

(5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

(7) Public utilities, streets, and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

(a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS, AND BRIDGES

Public utilities, streets, and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet

beyond the limits of the structure.

- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - 2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS, AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with 62.23(7)(h), Stats., for cities, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged

if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of

subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;
 - (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.

6. List of nonconforming structures and uses. .

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical

data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. Mapping
- Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The Plan Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The Plan Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 62.23(7)(e), Stats., for cities, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;
- 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in

s. 8.0 *Amendments*; and

6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in s. 7.1(2);

(b) Floodway/floodfringe determination data in s. 5.4;

(c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

(a) Follow the procedures of s. 7.3;

(b) Consider zoning agency recommendations; and

(c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(a) certified by a registered professional engineer or architect; or

(b) meets or exceeds the following standards:

1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. the bottom of all openings shall be no higher than one foot above grade; and
3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (b) Protect structures to the flood protection elevation;
- (c) Anchor structures to foundations to resist flotation and lateral movement;
- (d) Minimize or eliminate infiltration of flood waters; and
- (e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities. The petitions shall include all data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$35 and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS OR "CRAWL SPACE" – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical

utilities.

16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and

insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction

of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY" or "MUNICIPAL – The city governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD" or "NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the

effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or

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

73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.
75. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. UNNECESSARY HARDSHIP – 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.
78. VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.
81. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a

certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Letter of Map Revision(s)

1.55097C0214D FIRM map panel revision, Case number 14-05-4844, performed by AECOM Engineering Services, and approved by FEMA on December 29, 2014, effective May 15, 2015.

Follows Conditional Case No.: 13-05-1932R



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT**

| COMMUNITY AND REVISION INFORMATION | | PROJECT DESCRIPTION | BASIS OF REQUEST |
|------------------------------------|--|---|--|
| COMMUNITY | City Of Stevens Point Portage County Wisconsin | LEVEE CERTIFICATION | BASE MAP CHANGES UPDATE FLOODWAY |
| | COMMUNITY NO.: 550342 | | |
| IDENTIFIER | Stevens Point Hydroelectric Project Left Seawall | APPROXIMATE LATITUDE & LONGITUDE: 44.518, -89.582 SOURCE: Other DATUM: NAD 83 | |
| ANNOTATED MAPPING ENCLOSURES | | ANNOTATED STUDY ENCLOSURES | |
| TYPE: FIRM* | NO.: 55097C0214D DATE: July 20, 2009 | NO REVISION TO THE FLOOD INSURANCE STUDY REPORT | |

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE & REVISED REACH

Wisconsin River - From just downstream of Arlington Plaza to approximately 100 feet downstream of Wisconsin Street

SUMMARY OF REVISIONS

| Flooding Source | Effective Flooding | Revised Flooding | Increases | Decreases |
|-----------------|--------------------|------------------|-----------|-----------|
| Wisconsin River | Zone AE | Zone X (shaded) | NONE | YES |
| | Floodway | Floodway | YES | YES |

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Christine Stack
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

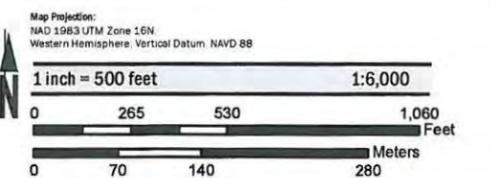
NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 23 NORTH, RANGE 8 EAST AND TOWNSHIP 24 NORTH, RANGE 8 EAST.

NOTE: THIS AREA IS SHOWN AS BEING PROTECTED FROM THE 1-PERCENT ANNUAL-CHANCE OR GREATER FLOOD HAZARD BY A LEVEE SYSTEM. OVERTOPPING OR FAILURE OF ANY LEVEE SYSTEM IS POSSIBLE. FOR ADDITIONAL INFORMATION, SEE THE "ACCREDITED LEVEE NOTE" IN NOTES TO USERS.

ACCREDITED LEVEE NOTES TO USERS: If an accredited levee note appears on this panel check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent annual chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to consider flood insurance and floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at <http://www.fema.gov/business/nfip/index.shtml>.

- SPECIAL FLOOD HAZARD AREAS**
-  Without Base Flood Elevation (BFE) Zone A, V, A99
 -  With BFE or Depth Zone AE, AO, AH, VE, AR
 -  Regulatory Floodway
 -  0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 -  Future Conditions 1% Annual Chance Flood Hazard Zone X
 -  Area with Reduced Flood Risk due to Levee See Notes. Zone X
- OTHER AREAS OF FLOOD HAZARD**

SCALE



NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

PORTAGE COUNTY, Wisconsin
AND INCORPORATED AREAS

PANEL 214 OF 675

Panel Contains:
COMMUNITY: STEVENS POINT, CITY OF NUMBER: 550342 PANEL: 0214 SUFFIX: D




REVISED TO REFLECT LOMR EFFECTIVE: MAY 15, 2015

VERSION NUMBER: 1.0.0.0
MAP NUMBER: 55097C0214D
EFFECTIVE DATE: 05/15/2009