

**CITY OF PLATTEVILLE, WISCONSIN
CHAPTER 22, ZONING
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CHAPTER 22

ZONING

22.01 INTRODUCTION.

- (A) **PURPOSE.** The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (B) **INTENT.** It is the general intent of this Ordinance to regulate the use of all structures, lands and waters; regulate population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and provide penalties for its violation.

22.02 GENERAL PROVISIONS.

- (A) **JURISDICTION.** The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the City of Platteville.
- (B) **ZONING ADMINISTRATION.** The Director of Community Planning and Development shall be responsible for administering this ordinance. In this chapter the term "Zoning Administrator" shall mean the Director of Community Planning and Development.
- (C) **COMPLIANCE.** No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered without a building permit, subject to the requirements of Chapter 23 of the Municipal Code, and no structure, land or water shall hereafter be used or occupied without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The Building Inspector, with the aid of the Police Department, shall investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Building Inspector and his duly-appointed deputies may enter at any reasonable time onto any public or private lands or waters to make an inspection.
- (D) **BUILDING PERMIT.** Applications for a building permit shall be made in accordance with the requirements of Chapter 23 of the Municipal Code.

22.03 SITE RESTRICTIONS.

- (A) LOTS SHALL ABUT ON A PUBLIC STREET; LOT FRONTAGE. All lots shall abut upon a public street. Lot width or frontage as required by this Chapter shall not be provided by easement.
- (B) PRINCIPAL STRUCTURES PER LOT. In the R-1 and R-2 districts, only one principal structure shall be located, erected, or moved onto a lot. In all other districts, multiple principal structures are permitted on one lot as long as the building setbacks, parking requirements, lot coverage requirements, fire department access, and other applicable code requirements are met for all structures on the lot.
- (C) PUBLIC WATER AND SEWER.
 - (1) Within the City limits, no building permit shall be issued for a site unless public water and sanitary sewer are provided to that site. If appealed, this requirement may be waived by the City Council after review and recommendation by the Building Inspector, Water and Sewer Commission and the Plan Commission.
 - (2) In the extraterritorial area, water and sewer service can be extended only upon the following conditions:
 - (a) If the property is contiguous with the City limits, the property owner shall sign a petition to annex to the City.
 - (b) If the property is not contiguous with the City limits, the property owner shall sign a consent to annex, which can be implemented at the option of the City at a later date.
 - (c) The decision to extend water and sewer service to non-contiguous property shall be made by the City Council after review and recommendation of the Building Inspector, Water and Sewer Commission and Plan Commission. The City Council may utilize its special assessment authority for construction financing of said extension.
- (D) DEDICATED STREET. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on the side from which the required dedications have not been secured.

22.04 USE RESTRICTIONS.

- (A) SPECIFIED USES. Specified uses are those uses specified for a District and their essential services.

(B) **ACCESSORY USES AND STRUCTURES.** Accessory uses and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except Home Occupations as provided in Section 22.06. Accessory uses include, but are not limited to: incidental repairs; storage; parking facilities; and private swimming pools. Accessory uses shall also include the keeping of animals in accordance with the regulations provided in Chapter 6.

(1) **Accessory Structures in Residential Areas.** The following requirements apply to accessory structure located on lands zoned residential or used for residential purposes.

(a) **Location.** Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback.

(b) **Lot Coverage.** Accessory structures may not occupy more than ten percent (10%) of the lot area.

(c) **Setback.** Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.

(d) **Maximum Height.** Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.

(e) **Maximum Area.** The total cumulative ground floor area of accessory structures shall not exceed 1,200 sq. ft.

(2) **Accessory Structures in Non-residential Areas.**

(a) **Location.** Accessory structures may be located only in rear yards and side yards, except for through lots, on which they may be located in the rear street yard subject to the street yard setback. Exception: Canopies that shelter fuel dispensers/pumps located at gas stations and convenience stores may be located in the street yard.

(b) **Lot Coverage.** Accessory structures may not occupy more than ten percent (10%) of the lot area.

(c) **Setback.** Accessory structures must be set back at least five (5) feet from the principal structure and at least five (5) feet from any lot line.

- (d) **Maximum Height.** Fifteen (15) feet plus one (1) foot of additional height per foot of building setback distance beyond five (5) feet, up to the maximum building height for the district in which it is located.
- (3) **Fences.** Fences and gates at or below twenty four (24) inches in height are considered landscaping elements and may be installed without a building permit, and may be located anywhere on the property. Fences and gates over twenty four (24) inches in height shall require the issuance of a building permit, except for fences on agricultural land, and shall meet the following requirements. The height of fences and gates that have an arched, or other irregular shape along the top, shall be based on the average height along the top surface.

Fences and Gates in Residential Districts.

- (a) In rear and side yards, fences and gates shall not exceed a height of six (6) feet above the established grade of the yard being enclosed.
- (b) In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way.
- (c) Fences and gates made of barbed wire and electric fences are not permitted in residential districts.
- (d) The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.
- (e) Fences and gates on corner lots shall meet the requirements of Section 22.09(A) of the Zoning Ordinance.
- (f) Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 5.04 of the Municipal Code.

Fences and Gates in Non-Residential Districts.

- (a) In street yards, fences and gates shall not exceed a height of four (4) feet and shall not be closer than two (2) feet to any public right-of-way. Fences on agricultural land that are an open style, such as barbed-wire, woven wire or split rail, may be located up to any lot line and may be up to six (6) feet in height.
- (b) In rear and side yards, fences and gates shall not exceed a height of eight (8) feet above the established grade of the yard being enclosed.

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- (c) Barbed wire and electric fences are permitted only on the top of security fences when located at least six (6) feet above the ground. Fences on agricultural land are exempt from this requirement.
 - (d) The finished side of all fences and gates shall be oriented toward neighboring properties with posts and other supports or structural elements placed on the interior side of the fence.
 - (e) Fences and gates on corner lots shall meet the requirements of Section 22.09(A) of the Zoning Ordinance.
 - (f) Fences and gates around swimming pools and hot tubs shall meet the requirements of Section 5.04 of the Municipal Code.
 - (g) Exceptions to the above requirements can be approved with a Conditional Use Permit.
- (4) Retaining walls at or below two feet (2') in height are considered landscaping elements and may be installed without a building permit and without other restrictions. All other retaining walls shall meet the following requirements:
- (a) Retaining walls over two feet (2') in height shall require the issuance of a building permit and shall include the submittal of a site plan and proposed wall design.
 - (b) Retaining walls over four feet (4') in height but not more than six feet (6') in height shall either be installed according to the design specifications provided by the wall component manufacturer, or designed by a licensed engineer.
 - (c) Retaining walls over six feet (6') in height shall be designed by a licensed engineer.
 - (d) Tiered or terraced retaining walls may be constructed to provide a total height above grade of more than six feet (6') without engineering. However, the individual walls shall be less than six feet (6') and the distance between the walls shall be a minimum of twice the height of the lower wall. If the spacing between the walls is less than this minimum, the wall system shall be designed by a licensed engineer.
 - (e) Retaining walls over four feet (4') in height and located within five feet (5') of a property line shall require a conditional use permit. Such permit approval may include a condition that additional design requirements and safety features be provided, such as the installation of a fence or other barrier along the top of the wall.

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- (f) Retaining walls on corner lots shall meet the vision clearance requirements of Section 22.09(A) of the Zoning Ordinance.
- (C) **CONDITIONAL USES.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation by the Plan Commission in accordance with Section 22.13.
- (D) **TEMPORARY USES.** Temporary uses such as shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. All other temporary uses are considered conditional uses requiring review, public hearing, and approval in accordance with Section 22.13.
- (E) **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in areas or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, or other space required for a structure or use shall be used for any other structure or use, except joint use of parking areas as described in Section 22.07.
- (F) **SUBSTITUTE BUILDINGS.** (1) Purpose. The purpose of this section is to promote and enhance the health, comfort, aesthetics, prosperity, and to foster quality growth in the City by limiting substitutes for principal and accessory buildings. The purpose is not to ban trailers that are being used to transport snowmobiles, sporting equipment, race cars, or other recreational vehicles.
 - (2) **No Substitutes for Permanent Building.** It shall be unlawful to place, erect or maintain within the City of Platteville any shipping container, wagon, motor vehicle, semi-trailer, truck or similar conveyance as a substitute for a principal or accessory building except as provided herein.
 - (3) **Lands Zoned for Residential Use.** No person, firm, or corporation shall place, erect, or maintain in the City upon any lands zoned residential or used for residential purposes, any shipping container, wagon, motor vehicle, trailer, semi-trailer, truck or similar conveyance which has not been manufactured for use exclusively for mobile recreational purposes as a substitute for an accessory building except for mobile units that contain medical diagnostic equipment used for medical facilities at location.
 - (4) **Construction Sites.** The provision of this subsection shall not prevent the use of shipping containers, trailers, or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction, provided, however, in no event shall such temporary substitutes for buildings remain 30 days after cessation or completion of construction, and shall be removed in any event within 10 days after issuance of certificate of occupancy.
 - (5) **Residential Districts or Uses.** Campers, tents and similar structures may be used for recreational living only. Recreational living may be allowed only after

occupancy of the principal structure on the lot. This type of use shall be directly related to the occupancy of the principal structure such as family members or guests and is allowed for a duration not to exceed seven days per each occasion.

Storage containers, trucks, and similar devices may be used for a period of not more than 20 days per dwelling unit for the purpose of moving.

- (6) Non-Residential Districts – Temporary Retail Sales. The provisions of this subsection shall not prevent the conducting of retail sales directly from semi-trailers or trucks for a period not to exceed 72 consecutive hours per placement and no more than 3 such placements in aggregate per address, location, or parcel in any one calendar year. Tents may be used as a substitute for the principal building when erected in accordance with applicable state and local codes. A tent may be used for the conducting of retail sales for a period not to exceed 21 days in each calendar year. Trucks, storage containers, and similar structures may be used as an accessory to the principal structure on the lot. These may be used up to two times per year for a duration of sixty days per each duration. A building permit is required before placement of such conveyances on the lot. Temporary garden centers are allowed during the growing season as an accessory to the principal structure.

22.05 ZONING DISTRICTS.

(A) ESTABLISHMENT. The following zoning districts are hereby established:

- (1) Residential Districts
 - R-1 One Family Residential District
 - R-2 One and Two Family Residential District
 - R-3 Multi-Family Residential District
 - PUD Planned Unit Development District
- (2) Institutional and Public Use Districts
 - I-1 Institutional District
 - C-1 Conservancy District
 - PUD Planned Unit Development District
- (3) Business Districts
 - B-1 Neighborhood Business District
 - B-2 Central Business District
 - B-3 Highway Business District
 - PUD Planned Unit Development District
- (4) Manufacturing Districts

M-1 Heavy Commercial/Light Manufacturing District
M-2 Manufacturing District
M-3 Mixed Use Commercial/Manufacturing District
M-4 Applied Technology District
PUD Planned Unit Development District

The boundaries of these districts are hereby established as shown on a map entitled, "City of Platteville, Wisconsin Zoning Map" (as revised) which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow corporate limits; U.S. Land Survey lines; lot or property lines; center-lines of streets, highways, alleys, easements, and railroad right-of-ways, or such lines extended unless otherwise noted on the Zoning Map.

- (B) ANNEXATIONS. The Plan Commission may, in accordance with the procedures in Section 22.16, recommend the zoning district classification(s) for land proposed to be annexed to the City, prior to approval by the Common Council of the annexation ordinance. In such a case, the Common Council may hold the required public hearing on the proposed zoning district(s) concurrently with the annexation public hearing. Should the Plan Commission not make a recommendation prior to Common Council consideration, the property in question shall be temporarily placed in a district by the annexation ordinance. Within three (3) months the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council.
- (C) ZONING MAP. The Zoning Map adopted as part of this Ordinance shall bear upon its face the attestation of the City Manager and City Clerk and shall be available to the public in the Office of the Director of Community Planning and Development. Zoning changes thereafter shall not be effective until publication and entry on the Zoning Map.
- (D) DETERMINATION OF SIMILAR AND COMPATIBLE USES. In all districts except the R-1, R-2 and R-3 districts, the Zoning Administrator may determine if a use not specifically enumerated within that district is similar to the specified uses already listed. If the use is determined to be similar, that use may be allowed as a specified use.

22.051 R-1 ONE FAMILY RESIDENTIAL DISTRICT.

- (A) PURPOSE AND INTENT. The purpose of the R-1 Residential District is to provide areas which are zoned for single family dwellings and to maintain, protect, preserve and encourage development of neighborhoods of single-family dwellings.
- (B) SPECIFIED USES.
 - (1) One family dwellings.
 - (2) Public playgrounds.

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- (3) Foster Homes.
- (4) Family Child Care Home.

(C) CONDITIONAL USES.

- (1) Elementary and secondary schools, public, parochial, and private.
- (2) Churches.
- (3) Utilities.
- (4) Intensive home occupations, subject to the specific standards in Section 22.06.
- (5) Private kennels
- (6) Animal grooming

(D) ACCESSORY STRUCTURES AND USES.

- (1) Storage sheds, garden sheds, gazebos and pergolas.
- (2) Detached garages and carports.
- (3) Private swimming pools.
- (4) Children's playground equipment and playhouses.
- (5) Customary home occupations, subject to the specific standards in Section 22.06.
- (6) Other uses or structures customarily incidental to the principal use or structure.
- (7) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
- (8) The sale of produce and animal products grown on the premises as a hobby.

(E) DIMENSIONAL REQUIREMENTS.

Lot Width: 70 feet
Lot Area: 8,000 square feet

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Yards: Street:	25 feet
Side:	10 feet
Rear:	25 feet
Building height:	30 feet maximum

22.052 R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the R-2 Residential District is to provide for a mix of single and two family dwellings, to allow for a greater diversity of lot sizes and to maintain, protect, preserve and encourage development of one- and two-family residential neighborhoods.
- (B) **SPECIFIED USES.**
- (1) One family dwellings.
 - (2) Public playgrounds.
 - (3) Foster Homes.
 - (4) Family Child Care Home.
 - (5) Two family dwellings.
 - (6) Zero lot line two-family dwellings.
- (C) **CONDITIONAL USES.**
- (2) Elementary and secondary schools, public, parochial, and private.
 - (3) Churches.
 - (4) Utilities.
 - (5) Intensive home occupations, subject to the specific standards in Section 22.06.
 - (6) Assisted Living facilities, , nursing homes, homes for the aged.
 - (7) Home-based Clinics.
 - (8) Day care/Child Care centers.
 - (9) Group homes.

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- (10) Home-based professional offices, subject to the specific standards in Section 22.06.
- (11) Bed and breakfast establishments, subject to the specific standards in Section 22.06.
- (11) Private kennels
- (12) Animal grooming

(D) ACCESSORY STRUCTURES AND USES.

- (1) Storage sheds, garden sheds, gazebos and pergolas.
- (2) Detached garages and carports.
- (3) Private swimming pools.
- (4) Children's playground equipment and playhouses.
- (5) Customary home occupations, subject to the specific standards in Section 22.06.
- (6) Other uses or structures customarily incidental to the principal use or structure.
- (7) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
- (8) The sale of produce and animal products grown on the premises as a hobby.

(E) DIMENSIONAL REQUIREMENTS.

	Single Family	Two-Family Dwellings and <u>Conditional Uses</u>
Lot Width:	60 feet	90 feet
Lot Area:	6,000	10,000
Yard: Street:	25 feet	25 feet
Side:	10 feet	10 feet
Rear:	25 feet	25 feet
Building Height:	30 feet	30 feet

Zero Lot Line Dwellings: Each unit shall have a minimum lot area of 5,000 sq. ft. and a minimum lot width of 35 feet. The internal setback between the units is 0

feet, the exterior building minimum yard setbacks are the same as a standard two-family dwelling.

- (F) **EXISTING STRUCTURES.** An existing structure which is used for any Specified Use or any Conditional Use, provided that it meets the minimum lot area requirements for that particular use, shall be exempt from all other Dimensional Requirements. An existing structure is eligible for this exemption only so long as no additions are made to the structure.

22.053 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the R-3 Residential District is to allow for dwellings of a higher density than in one and two family districts, to allow for a mix of densities within a single district, and to maintain, protect, preserve and encourage development of higher density residential neighborhoods.

- (B) **SPECIFIED USES.**

(2) One family dwellings.

(3) Public playgrounds.

(4) Foster Homes.

(5) Family Child Care Home.

(6) Two family dwellings.

(7) Multi-family dwellings.

(8) Zero lot line dwellings.

(9) Fraternities, sororities and rooming houses within the following described area:

Beginning at the intersection of Jay Street and Southwest Road and proceeding northerly along Jay Street to Irene Street, thence easterly along Irene Street to South Hickory Street, thence northerly along South Hickory Street to West Mineral Street, thence easterly along West Mineral Street to North Elm Street, thence southerly along Elm Street to West Pine Street, thence easterly along West Pine Street to South Chestnut Street, thence southwesterly along South Chestnut Street to Southwest Road, thence southwesterly along Southwest Road to the point of beginning.

- (C) **CONDITIONAL USES.**

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- (2) Elementary and secondary schools, public, parochial, and private.
 - (3) Churches.
 - (4) Utilities.
 - (5) Intensive home occupations, subject to the specific standards in Section 22.06.
 - (6) Assisted Living facilities, nursing homes, homes for the aged.
 - (7) Home-based Clinics.
 - (8) Day care/Child Care centers.
 - (9) Group homes.
 - (10) Bed and breakfast establishments, subject to the specific standards in Section 22.06.
 - (11) Fraternities, sororities, and rooming houses located outside the area described above.
 - (11) Beauty shops, barber shops and photographic studios.
 - (12) Mobile home parks, subject to the specific requirements of Section 22.08.
 - (13) Professional offices, subject to the specific standards in Section 22.06.
 - (14) Private kennels
 - (15) Animal grooming
- (D) ACCESSORY STRUCTURES AND USES.
- (1) Storage sheds, garden sheds, gazebos and pergolas.
 - (2) Detached garages and carports.
 - (3) Private swimming pools.
 - (4) Children's playground equipment and playhouses.
 - (5) Customary home occupations, subject to the specific standards in Section 22.06.

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- (6) Other uses or structures customarily incidental to the principal use or structure.
 - (7) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
 - (8) The sale of produce and animal products grown on the premises as a hobby.
- (E) DIMENSIONAL REQUIREMENTS. Single family and two-family uses shall be subject to the minimum dimensional requirements of the R-2 District.

Multi-Family and Conditional Uses:

Lot Width:	90 feet
Lot Area:	Minimum 10,000 square feet with a minimum of 1,500 square feet per efficiency apartment, 2,000 square feet per one-bedroom apartment and 2,500 square feet per two or more bedroom apartment.
Lot Coverage (Building + Parking):	Maximum 80 %
Yards: Street:	25 feet
Sides:	10 feet each minimum; however, side lot lines that abut property in the R-1 and R-2 districts shall be increased by one foot for each foot of building height above 25 feet.
Rear:	25 feet
Building Height:	40 feet maximum

Zero Lot Line Dwellings: Each unit shall have a minimum lot area of 5,000 sq. ft. and a minimum lot width of 35 feet. The internal setback between the units is 0 feet, the exterior building minimum yard setbacks are the same as a standard multi-family dwelling.

- (F) MULTI-FAMILY USES ADJACENT TO R-1 AND R-2 DISTRICTS. For multi-family uses, along any lot line which abuts property in the R-1 or R-2 districts, a buffer shall be required; however, this requirement does not apply to lot lines abutting a public right-of-way. This buffer shall be subject to approval of the Zoning Administrator and shall consist of one or a combination of the following:
- (1) An opaque fence, six (6) feet in height;
 - (2) A thick hedge, at least 24 inches high at planting and capable of growing to at least 36 inches high within three (3) years after planting;

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- (3) A landscaped green area consisting of a mix of shrubs, ornamental trees and/or overstory trees, along with berming and other variegations in topography, sufficient to provide an adequate screen and buffer.
 - (4) Existing vegetation, natural features and topography may be used to meet these requirements.
- (G) **EXISTING STRUCTURES.** An existing structure which is used for any Specified Use or any Conditional Use, provided that it meets the minimum lot area requirements for that particular use, shall be exempt from all other Dimensional Requirements; excepting however, that the Lot Coverage requirement shall still apply. An existing structure is eligible for this exemption only so long as no additions are made to the structure.

22.054 I-1 INSTITUTIONAL DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the I-1 Institutional District is to provide for districts that allow uses intended for the public good, which are generally (but not always) not-for-profit and are in nature related to civic, religious, educational, health care, or similar services to the public.
- (B) **SPECIFIED USES.**
- (1) Cemeteries.
 - (2) Schools.
 - (3) Hospitals.
 - (4) Religious and charitable institutions
 - (5) Penal and correctional institutions.
 - (6) Assisted Living facilities, nursing homes, homes for the aged.
 - (7) Clinics, including pharmacies.
 - (8) Day care/Child Care centers.
 - (9) Sports fields.
 - (10) Government and cultural uses.
 - (11) Leasing of parking lots or parking spaces for uses not associated with the property.

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- (12) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) CONDITIONAL USES.

- (1) Utilities.
- (2) Public passenger transportation terminals.
- (3) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
- (4) Communications towers which are not co-located on an existing tower or structure, or when co-located on an essential service structure, exceed the height of that structure.
- (5) Private kennels, business kennels
- (6) Animal grooming business

(D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

(E) DIMENSIONAL REQUIREMENTS.

Lot Area: To be determined by building placement on the site as well as the setback requirements identified below:

Lot Coverage (Building + Parking): Maximum 70%. A conditional use permit shall be required to exceed this maximum.

Height: Maximum 45 feet.

Specified Uses:

Yards:	Street:	25 feet.
	Rear:	30 feet.
	Sides:	One foot for each foot adjacent building height, but in no case less than 15 feet.

Conditional Uses:

Yards:	Principal structures and uses shall not be less than 50' from any residential lot line.
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22.055 C-1 CONSERVANCY DISTRICT.

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(A) **PURPOSE AND INTENT.** The purpose and intent of the C-1 Conservancy District is to provide for open spaces, parks and recreational areas, and preservation of scenic and historic areas.

(B) **SPECIFIED USES.**

(1) Agricultural uses.

(2) Public or private open space.

(3) Preservation of scenic, historic, or scientific areas.

(4) Municipal park and recreation facilities, including such accessory structures and appurtenances as the Common Council shall deem appropriate.

(5) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) **CONDITIONAL USES.**

(1) Garages and storage buildings accessory to an existing specified use.

(2) General farm buildings.

(3) Leasing of parking lots or parking spaces for uses not associated with the property.

(4) Private kennels, business kennels.

(5) Animal grooming.

(D) **DIMENSIONAL REQUIREMENTS**

Lot Area: To be determined by building placement on the site as well as the setback requirements identified below:

Yards: Street: 25 feet

Sides: 30 feet

Rear: 30 feet

Building Heights: 25 feet maximum

Yards for municipal park and recreation facilities shall be determined by the Plan Commission and the Common Council.

22.056 B-1 NEIGHBORHOOD BUSINESS DISTRICT.

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(A) **PURPOSE AND INTENT.** The purpose and intent of the B-1 Neighborhood Business District is to provide goods and services which are needed on a frequent basis in commercial areas that are conveniently located to serve residential neighborhoods.

(B) **SPECIFIED USES.**

- (1) Beauty and barber shops.
- (2) Business and professional offices.
- (3) Clinics.
- (4) Drug stores.
- (5) Florists.
- (6) Convenience Stores, without automotive fuel sales
- (7) Hobby shops.
- (8) Self-service laundromats and dry-cleaning establishments.
- (9) Residences attached to business establishments.
- (10) Residences not attached to business establishments, subject to all provisions of the R-2 Residential District.
- (11) Day Care/Child Care centers
- (12) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.
- (13) Animal grooming.

(C) **CONDITIONAL USES.**

CONDITIONAL USES.

- (1) Government and cultural uses.
- (2) Utilities.
- (3) Public passenger transportation terminals.

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- (4) Funeral homes.
 - (5) Health and recreation clubs; spas.
 - (6) Convenience stores, with automotive fuel sales.
 - (7) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
 - (8) Leasing of parking lots or parking spaces for uses not associated with the property.
 - (9) Private kennels.
- (D) ACCESSORY STRUCTURES AND USES.
- (1) Garages.
 - (2) Storage buildings.
- (E) DIMENSIONAL REQUIREMENTS.
- | | | |
|------------------|---------|--|
| Lot Area: | | To be determined by building placement on the site as well as the setback requirements identified below: |
| Yards: | Street: | 25 feet |
| | Side: | 10 feet each |
| | Rear: | 30 feet |
| Building Height: | | 30 feet maximum |

22.057 B-2 CENTRAL BUSINESS DISTRICT.

- (A) PURPOSE AND INTENT. The purpose and intent of the B-2 Central Business District is to provide for general commercial sales and services located in the downtown area, with a mix of retail, service, office and limited residential uses. Further, the intent of the district is to provide uses which are easily accessible by walking and are compatible with available parking facilities.
- (B) SPECIFIED USES.
- (1) Mercantile businesses and retail stores, without drive-through facilities.
 - (2) Beauty and barber shops.
 - (3) Business and professional offices.
 - (4) Clinics.

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- (5) Pharmacies.
 - (6) Florists.
 - (7) Grocery stores/Supermarkets.
 - (8) Self-service laundromats.
 - (9) Assembly halls.
 - (10) Caterers.
 - (11) Financial institutions.
 - (12) Furniture upholstery shops.
 - (13) Hotels, apartment hotels and motels.
 - (14) Liquor stores.
 - (15) Media offices, studios, pressrooms, printing and/or publishing operations.
 - (16) Movie theaters.
 - (17) Pet shops, animal grooming.
 - (18) Public and private parking lots.
 - (19) Residences attached to business establishments; however, residential use of the ground floor is prohibited.
 - (20) Restaurants.
 - (21) Taverns, Night Clubs, micro-breweries.
 - (22) Cultural uses
 - (23) Similar uses: any use which is interpreted by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.
- (C) CONDITIONAL USES.
- (1) Mercantile businesses, retail stores, and other businesses with drive-through facilities, subject to the specific standards in Section 22.06.

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- (2) Government .
 - (3) Utilities.
 - (4) Public passenger transportation terminals.
 - (5) Funeral homes.
 - (6) Health and recreation clubs; spas.
 - (7) Convenience stores.
 - (8) Churches and schools.
 - (9) Vehicle sales and rental.
 - (10) Vehicle service and repair.
 - (11) Feed and seed stores, not to include grinding or drying operations.
 - (12) Commercial recreation.
 - (13) Small motor sales and/or service.
 - (14) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
 - (15) Outdoor eating and drinking areas or beer gardens, when attached to an approved indoor establishment, subject to the specific standards in Section 22.06.
 - (16) Vehicle washing facilities, subject to the specific standards in Section 22.06.
 - (17) Dry-cleaning establishments.
 - (18) Trade and contractor's offices and shops.
 - (19) Utility offices and shops.
 - (20) Private kennel, business kennel.
- (D) ACCESSORY USES.
- (1) Garages. (See Fire District Limitations in Chapter 23)

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(E) DIMENSIONAL REQUIREMENTS.

Building Height:		60 feet (Type 5 Construction or greater)
Yards:	Street:	No minimum requirements
	Side:	No minimum requirements
	Rear:	No minimum requirements

22.058 CBT CENTRAL BUSINESS TRANSITION DISTRICT.

- (A) PURPOSE AND INTENT. The purpose and intent of the CBT Central Business Transition District is to provide for a transition between the intensive business and high-density residential uses of the B-2 Central Business District and the lower density residential districts surrounding it, by allowing a mix of commercial, residential, and institutional uses.
- (B) LOCATION. All areas of the city zoned CBT Central Business Transition District shall be contiguous to the B-2, Central Business District.
- (C) SPECIFIED USES.
- (1) One family dwellings.
 - (2) Public playgrounds.
 - (3) Foster Homes.
 - (4) Family Child Care Home.
 - (5) Two family dwellings.
 - (6) Mercantile businesses and retail stores, without drive-through facilities.
 - (7) Schools.
 - (8) Religious and charitable institutions
 - (9) Assisted Living facilities, nursing homes, homes for the aged.
 - (10) Day care/Child care centers.
 - (11) Sports fields.
 - (12) Government and cultural uses.
 - (13) Beauty and barber shops.

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- (14) Business and professional offices.
 - (15) Clinics.
 - (16) Pharmacies.
 - (17) Florists.
 - (18) Assembly halls.
 - (19) Caterers.
 - (20) Financial institutions, not including drive-through facilities.
 - (21) Furniture upholstery shops.
 - (22) Hotels, apartment hotels and motels.
 - (23) Media offices, studios, pressrooms, printing and/or publishing operations.
 - (24) Pet shops, animal grooming.
 - (25) Public and private parking lots.
 - (26) One and two-family residences attached to business establishments.
 - (27) Supermarkets, grocery stores.
 - (28) Similar uses; any use that is interpreted by the Zoning Administrator to be similar to one of the above specified enumerated uses, and that conforms to the intent of the zoning district.
- (D) **CONDITIONAL USES.**
- (1) Mercantile businesses, retail stores and other businesses with drive-through facilities.
 - (2) Bed and Breakfast establishments, subject to the specific standards in Section 22.06.
 - (3) Convenience Stores with automotive fuel sales.
 - (4) Group homes.
 - (5) Multi-family dwellings, subject to buffering requirements required for multi-family development in the R-3 District.

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- (6) Residential uses attached to business establishments containing three or more dwelling units.
- (7) Public passenger transportation terminals.
- (8) Fraternities, sororities and rooming houses.
- (9) Utilities.
- (10) Vehicle sales and rental.
- (11) Vehicle service and repair.
- (12) Trade and contractor's offices and shops.
- (13) Utility offices and shops.
- (14) Private kennels, business kennels.

(E) ACCESSORY USES.

- (1) Detached garages and carports.
- (2) Private swimming pools.
- (3) Children's playground equipment and playhouses.
- (4) Customary home occupations, subject to the specific standards in Section 22.06.
- (5) Other uses or structures customarily incidental to the principal use or structure.
- (6) Garage sales, rummage sales, and owner made craft sales; provided that each occasion shall not take place for a period longer than 12 hours per day for a maximum of three consecutive days, and that there shall be no more than four occasions per calendar year at any premises.
- (7) The sale of produce grown on the premises.

- (1) Storage buildings.

(F) DIMENSIONAL REQUIREMENTS.

Area and Width: All lots of record existing on or before January 1, 2000 shall be exempt from area and width requirements. No new lot or parcel may be created after that date unless it conforms to the following requirements:

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Minimum Area:	4,000 square feet
Minimum Width:	40 feet
Yards: Street, Side and Rear:	No minimum requirements; however, all required fire separation distances, in accordance with applicable building codes, must be maintained.
Adjacent to Residential Districts:	20 feet from any side lot line adjacent to property in the R-1, R-2 or R-3 districts; 40 feet from any rear lot line adjacent to property in the R-1, R-2 or R-3 districts.
Building Height:	45 feet

22.059 B-3 HIGHWAY BUSINESS DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the B-3 Highway Business District is to provide areas zoned for general commercial and service uses which are generally located along the major streets and highways of the City and which are generally meant to serve a local, regional, and traveling population.
- (B) **SPECIFIED USES.**
- (1) Beauty and barber shops.
 - (2) Business and professional offices.
 - (3) Clinics.
 - (4) Pharmacies.
 - (5) Florists.
 - (6) Grocery stores, supermarkets.
 - (7) Hobby shops.
 - (8) Self-service laundromats and dry-cleaning establishments.
 - (9) Assembly halls.
 - (10) Caterers.
 - (11) Cleaning, pressing and dyeing establishments.
 - (12) Financial institutions.
 - (13) Furniture upholstery shops.

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- (14) Hotels, apartment hotels and motels.
- (15) Liquor stores.
- (16) Media offices, studios, pressrooms, printing and/or publishing operations.
- (17) Mercantile businesses; retail stores.
- (18) Movie theaters.
- (19) Taverns, Night clubs, micro-breweries.
- (20) Pet shops, animal grooming.
- (21) Public and private parking lots.
- (22) Residences attached to business establishments; however, residential use of the ground floor is prohibited.
- (23) Health and recreation clubs; spas.
- (24) Feed and seed stores, not to include grinding or drying operations.
- (25) Farm machinery and equipment sales and service.
- (26) Trade and contractor's offices and shops.
- (27) Utility offices and shops.
- (28) Legal places of entertainment, bowling alleys.
- (29) Restaurants. Restaurants with drive-through facilities are subject to the specific standards in Section 22.06.
- (30) Financial Institutions with drive-through, subject to the specific standards in Section 22.06.
- (31) Vehicle sales and rental.
- (32) Vehicle service and repair.
- (33) Small motor sales and/or service.
- (34) Convenience store.
- (35) Leasing of parking lots or parking spaces for uses not associated with the property.

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- (36) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) CONDITIONAL USES.

- (1) Government and cultural uses.
- (2) Utilities.
- (3) Public passenger transportation terminals.
- (4) Funeral homes.
- (5) Churches and schools.
- (6) Outdoor eating and drinking areas or beer gardens, when attached to an approved indoor establishment, subject to the specific standards in Section 22.06.
- (7) Vehicle washing facilities, subject to the specific standards in Section 22.06.
- (8) Food locker plants, Butcher shops.
- (9) Wholesaling and warehousing.
- (10) Lumber yards.
- (11) Veterinary clinics.
- (12) Private kennels, business kennels.

(D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

(E) DIMENSIONAL REQUIREMENTS.

Lot Area:	To be determined by building placement on the site as well as the setback requirements identified below:
Lot Width:	100 feet.
Yards:	Street: 25 feet.
	Side: 15 feet.

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Rear:	30 feet.
Yards adjacent to residential districts:	Setback as required above or 30 feet, whichever is larger.
Building Height:	45 feet maximum

22.0510 M-1 HEAVY COMMERCIAL AND LIGHT MANUFACTURING DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the M-1 Heavy Commercial and Light Industrial District is to provide for both intensive commercial uses and light industrial uses which are generally on a smaller scale and which generally have little if any emission, noise, or intensive production activity.
- (B) **SPECIFIED USES.**
- (1) Vehicle sales and rental.
 - (2) Vehicle service and repair.
 - (3) Automotive machine shops.
 - (4) Cold storage warehouses.
 - (5) Feed and seed businesses, excluding grinding and drying operations.
 - (6) Food locker plants.
 - (7) Laboratories.
 - (8) Lumber yards.
 - (9) Parking and storage of operable construction and trucking vehicles.
 - (10) Storage and sale of machinery and equipment.
 - (11) Trade and contractor's offices.
 - (12) Commercial green houses.
 - (13) Concrete batching plants.
 - (14) Petroleum product storage (bulk).
 - (15) Leasing of parking lots or parking spaces for uses not associated with the property.
 - (16) Recycling of cans, paper, plastics or glass within a building.

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- (17) Private kennels, business kennels, animal grooming.
- (18) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) CONDITIONAL USES.

- (1) Public passenger transportation terminals.

(D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

(E) DIMENSIONAL REQUIREMENTS.

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Sides:	15 feet
	Rear:	30 feet
Yards adjacent to residential districts:		30 feet
Building Height:		45 feet maximum

22.0511 M-2 HEAVY MANUFACTURING DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the M-2 Heavy Manufacturing District is to provide for districts which allow for more intensive manufacturing processes, which by their nature may produce noise and emissions (meeting local, State and Federal standards), and/or generally (but not always) require greater bulk standards for buildings and appurtenant structures, and which generally exhibit a greater level of activity.
- (B) **SPECIFIED USES.**
 - (1) Vehicle sales and rental.
 - (2) Vehicle service and repair.
 - (3) Automotive machine shops.
 - (4) Cold storage warehouses.

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- (5) Feed and seed businesses, excluding grinding and drying operations.
- (6) Food locker plants.
- (7) Laboratories.
- (8) Lumber yards.
- (9) Parking and storage of operable construction and trucking vehicles.
- (10) Storage and sale of machinery and equipment.
- (11) Trade and contractor's offices.
- (12) Commercial green houses.
- (13) Concrete batching plants.
- (14) Petroleum product storage (bulk).
- (15) Breweries.
- (16) Bottling plants.
- (17) Commercial bakeries.
- (18) Crematorium.
- (19) Dairy product plants.
- (20) Feed and seed operations, including grinding and drying operations.
- (21) Freight and trans-shipment yards and terminals.
- (22) General manufacturing and processing.
- (23) Petroleum product storage.
- (24) Quarrying operations, including crushing and separating.
- (25) Wastewater treatment plants; water plants.
- (26) Leasing of parking lots or parking spaces for uses not associated with the property.
- (27) Recycling of cans, paper, plastics or glass within a building.

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- (28) Private kennels, business kennels, animal grooming.
- (29) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) CONDITIONAL USES.

- (1) Public passenger transportation terminals.
- (2) Asphalt plants.
- (3) RV waste disposal areas.
- (4) Incinerators, salvage yards, and transfer stations.

(D) ACCESSORY USES.

- (1) Garages.
- (2) Storage buildings.

(E) DIMENSIONAL REQUIREMENTS.

Lot Area:		To be determined by building placement on the site as well as the setback requirements identified below:
Yards:	Street:	25 feet
	Rear:	30 feet
	Sides:	15 feet
Yards adjacent to residential districts:		30 feet
Building Height:		45 feet maximum

22.0512 M-3 MIXED-USE COMMERCIAL/MANUFACTURING DISTRICT.

- (A) **PURPOSE AND INTENT.** The purpose and intent of the M-3 Mixed Use Commercial/Industrial District is to provide for a single district containing a mix of commercial and industrial uses in a self-contained business area. This single district is intended to be transitional in nature so that once the uses in the area are established, the individual properties will be rezoned into the appropriate district.
- (B) **SPECIFIED USES.**
 - (1) Those specified uses in the I-1, B-1, B-2, B-3, M-1 and M-2 zoning districts, except that no residential uses are permitted.

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- (C) CONDITIONAL USES.
- (D) ACCESSORY STRUCTURES AND USES.
 - (1) Garages.
 - (2) Storage Buildings.
- (E) DIMENSIONAL REQUIREMENTS.

Lot Area, Building Height & Yards:	To be determined by building placement on the site as well as setback requirements contained within individual zoning districts for which the use is listed as a specified use. In the event of conflicting dimensional requirements, the more stringent shall apply.
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- (F) LIMITATIONS. Only one such M-3 Mixed Use Commercial/Industrial Zoning District shall be created or in use at any one time within the City limits. An M-3 zoning district shall be considered no longer in use when all of the property within an existing Industrial Park Development has been rezoned in accordance to its specified use at that time.

An existing M-3 district may be rezoned in portions or in its entirety after its specified use has been developed or becomes apparent.

22.0513 M-4 APPLIED TECHNOLOGY DISTRICT.

- (A) PURPOSE AND INTENT. The purpose and intent of the M-4 Applied Technology District is to provide for emerging and high technology businesses as well as more traditional light industrial and other similar service uses, generally in a business park.
- (B) SPECIFIED USES.
 - (1) General manufacturing and processing.
 - (2) Research development and testing laboratories.
 - (3) Product distribution centers.
 - (4) Commercial food processing.
 - (5) Freight terminals and trans-shipment yards.
 - (6) Commercial warehousing.
 - (7) Printing and publishing.

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- (8) Telecommunications centers.
- (9) Office and professional buildings when constructed or altered for multiple tenants or in conjunction with another permitted use in the M-4 district.
- (10) Retail sales and services that are incidental to manufacturing and warehousing located on the same site.
- (11) Products related to process design, process simulation, software development, engineering, computer software services, hardware manufacturing or industrial technology.
- (12) High tech manufacturing.
- (13) Contractor's offices and shops.
- (14) Similar uses: any use which is determined by the Zoning Administrator to be similar to one of the above enumerated uses, and which conforms to the intent of the zoning district.

(C) CONDITIONAL USES.

- (1) Business Incubators which are primarily oriented to start up manufacturing, distribution, research, software design, process control or other similar uses to the specified uses of the M-4 District.
- (2) Child Care Centers.
- (3) Professional education or training centers.
- (4) Leasing of parking lots or parking spaces for uses not associated with the property.
- (5) Private kennels, business kennels, animal grooming.

(D) ACCESSORY STRUCTURES AND USES.

- (1) Garages.
- (2) Storage buildings.

(E) DIMENSIONAL REQUIREMENTS.

Minimum site size:	1 acre
Yard Setbacks: Street yard:	25 feet
Side yard:	15 feet

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Rear yard:	30 feet
Yards adjacent to Residential districts:	30 feet
Building Height:	45 feet maximum

(F) LIMITATIONS: Performance Standards

Any use in the Applied Technology District shall comply with the following regulations:

- (1) Noise. At no point on the district boundary nor beyond property lines of individual lots within the district shall the sound level of any individual operation or level exceed the limits shown in the following table:

Cycles per Second	7:00am-10:00pm	10:00pm-7:00 am
0-75	70	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1,200	46	41
1,200-2,400	40	35
2,400-4,800	34	29
Over 4,800	32	27

Frequencies and sound levels shall be measured with an Octave Ban Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United States of America Standards Institute.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, heat frequency, impulse character, periodic character or shrillness.

- (2) Contaminants. The limits on emission for particular contaminants shall be determined and enforced as provided for under section NR 154.02, Wisconsin Administrative Code.
- (3) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this section. No wastes shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. All liquid waste disposal shall be in conformance with section COM81-85 and COM10, State of Wisconsin Department of Natural Resources Administrative Code NR 125.01 or as amended.
- (4) Electrical Emission. There shall be no electrical emission beyond the property line which would adversely affect any other use or adjacent property owners.
- (5) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line if it would constitute a nuisance, hazard or be

recognized by a reasonable person as offensive. Provided, however, that nothing in this section shall prohibit night illumination of a property within the district.

- (6) **Vibrations.** There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth in the table below beyond the boundary of this district, under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Ground Transmitted Vibrations:
Maximum Permitted Displacement

Frequency Cycles per Second	Along Subdivision Boundaries (In Inches)
0-10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

22.0514 R-LO LIMITED OCCUPANCY RESIDENTIAL OVERLAY DISTRICT.

(A) **PURPOSE AND INTENT**

The purpose and intent of the R-LO Limited Occupancy Residential Overlay District is to protect, preserve, and enhance low-density single-family housing in areas zoned R-1 Single-family Residential and R-2 One & Two-family Residential, and within the local or state/national residential historic districts in the City.

This district establishes restrictions which operate to preserve the attractiveness, desirability, and privacy of residential neighborhoods by limiting the numbers of occupants permitted in residential properties and limiting the types and numbers of rental properties, and thereby preclude the deleterious effects on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels, and reduction of property values. The goal of the overlay district is to allow the City and the owners of property within residential neighborhoods to control the number of occupants and the types of rental properties that are permitted in one-family dwellings within their neighborhood. It is also the purpose of the district to achieve the following objectives:

- (1) To protect the privacy of residents and to minimize noise, congestion, and nuisance impacts;
- (2) To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood;

- (3) To prevent excessive traffic and parking problems in the neighborhoods.

(B) OVERLAY DISTRICT RESTRICTIONS

In the R-LO Limited Occupancy Residential Overlay District the definition of “family” as set forth in Platteville Municipal Ordinance Section 22.15 Definitions shall be modified within the overlay district boundary. This definition is used to determine the allowable number of persons that can legally reside in a dwelling unit. The definition to be used within the district is set forth below.

“Family” shall mean one of the following groups of individuals, but not more than one group at a time:

- (1) Any number of persons, all of whom are related to each other by blood, adoption, marriage, domestic partnership formed under Wis. Stats. 770, or legal guardianship, along with up to one (1) roomer or boarder not so related, living together in one dwelling unit as a single housekeeping entity; or
- (2) Not more than two (2) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (3) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

(C) USES PERMITTED

Permitted uses are all specified or conditional uses in the underlying zoning district except as they pertain to the allowable occupancy of a dwelling unit. The restrictions set forth herein are in addition to the restrictions and requirements of the underlying district applicable to a particular property. If there is a conflict between the restrictions

and requirements associated with the district, those most restrictive to the use of the property shall apply.

(D) OVERLAY DISTRICT CREATION

The R-LO Limited Occupancy Residential Overlay District may be established over designated areas of the City of Platteville.

(1) INITIATION. The designation of an overlay district may be initiated by the Common Council or Plan Commission, or by a petition of one or more of the owners of property within the area proposed to be included in the district.

(2) PETITIONS

(a) A petition requesting an overlay district that meets the following requirements must be submitted to the City Clerk.

1. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
2. The petition must contain the signature and address of all the parcel owners within the proposed boundary of the overlay district, exclusive of public property. Jointly owned parcels will be considered owned by a single person for purpose of petitioning and any co-owner may sign a petition for such parcel. If a person owns more than one parcel of property within the proposed district, they may sign the petition once for each parcel they own.
3. Each person signing the petition must also enter, on the petition, adjacent to their signature, the date that the person signed the petition.
4. The petition must accurately advise the signer of what restrictions would be imposed on the property if the overlay district were established.
5. The properties to be included in the proposed overlay district must be described in the petition by address.
6. When submitted, no signature dated earlier than six (6) months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.
7. Petitions shall also contain a map drawn to a scale of not less

than 1:300 showing the area proposed to be included in the district.

8. An application fee in an amount as set from time to time by a resolution of the Common Council shall be submitted to cover the rezoning costs of establishing the district.
- (b) Upon presentation to the City Clerk for review, the Clerk shall determine whether the petition is in conformity with the conditions of this section.
1. If the petition is not in conformity with the requirements of this section, the clerk shall reject the petition and return it to the person who filed the petition with a written explanation as to why the petition does not meet the requirements of this section.
 2. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property affected by the change, notifying them that their property was either added to or deleted from the petition and if by the correction of the boundary line the petition still meets all other requirements of the code.
 3. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary to have it comply as long as the other signatures remain valid.
 4. If the petition is determined to be in conformity with the requirements of this section, the Zoning Administrator shall draft an appropriate ordinance and submit the ordinance for approval following the procedures set forth in this code.
- (3) **RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments and shall recommend that the district be approved as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.
- (4) **HEARINGS.** The Common Council shall hold a public hearing upon each recommendation after publication of a Class 2 legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at least ten (10) days prior written notice to the Clerk of any municipality within

1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within the proposed district at least ten (10) days prior to the public hearing.

- (5) COMMON COUNCIL ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed district. If the petition described in Section 22.0514(D)(2) is signed by the owners of a minimum of seventy five percent (75%) but less than one hundred percent (100%) of the parcels within the proposed overlay district, such district shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the Common Council. If the petition is signed by one hundred percent (100%) of the property owners within the proposed overlay district, such district shall become effective upon a simple majority vote. If approved, the district boundaries must be shown on the Zoning Map. Any ordinance that is not adopted within six (6) months of its introduction shall be deemed denied.

(E) EFFECT OF OVERLAY DISTRICT ORDINANCE

- (1) Upon introduction of an ordinance to create an overlay district and at all times while the ordinance is pending final decision, there shall be a moratorium on the issuance of initial rental unit licenses to the extent that no initial rental housing license shall be issued within the proposed overlay district to the owner of a one family dwelling unit, unless the license was applied for prior to the close of business for City Hall on the day of the meeting when the Plan Commission considers the ordinance.
- (2) Upon passage of an ordinance by the Common Council establishing an overlay district, it shall be unlawful to use or allow any property to be used except in conformity with the requirements of the underlying zoning district and overlay district. Any property in the overlay district that has an existing rental housing license, or has had a rental housing license within one year of adoption of the overlay district, shall be allowed to continue its use and occupancy in accordance with the law existing prior to the date of the adoption of the overlay district. An existing rental housing use or occupancy in an overlay district that does not meet the standards of the district shall be considered to be a legal nonconforming use as the result of adoption of an overlay district, and shall be subject to the requirements of Section 22.12(A)(6). The use may continue unless the owner surrenders an existing license, allows, either intentionally or unintentionally, a license to remain expired for more than one year or the rental license is suspended or revoked for a period in excess of one year, and upon such occurrence, any subsequent use of the property shall be subject to the restrictions imposed by the overlay district.

(F) OVERLAY DISTRICT REMOVAL

- (1) An existing R-LO Limited Occupancy Residential Overlay District may be removed or rescinded following the same procedures established in Section 22.0514(D).

22.0515 WELLHEAD PROTECTION AREA OVERLAY DISTRICT FOR CITY WELL#5

- (A) TITLE. This ordinance shall be known, cited, and referred to as the “Wellhead Protection Ordinance (WHPO)” for City Well #5.
- (B) PURPOSE. The users of the City of Platteville water supply system located in the City of Platteville depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of the WHPO is to institute land use regulations and restrictions to protect the City of Platteville municipal water supply and to promote the public health, safety, and general welfare of the residents of the City of Platteville.
- (C) APPLICABILITY. The regulations specified in the WHPO shall apply within the Wellhead Protection Area Overlay District of the City of Platteville. No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the terms of this ordinance and other applicable regulations.
- (D) DEFINITIONS.
 - (1) Aquifer – A saturated, permeable, geologic formation that contains and will yield significant quantities of water.
 - (2) Five Year Time of Travel (5 Year TOT) – The 5 Year TOT is the area down gradient and up gradient of Well #5, the outer boundary of which is determined or estimated that ground water and potential contaminants will take five years to reach Well #5.
 - (3) Facility – The term “facility” shall mean all contiguous land and structures, other appurtenances, and improvements on the land, built, established or installed for the performance of one or more specific activities or functions.
 - (4) Hazardous substance – The term “hazardous substance” has the meaning specified under sec. 289, Wis. Stats.
 - (5) Well #5 – The municipal well for the City of Platteville located on Lot 9 of the Plat of the Platteville Industry Park No. 3, City of Platteville, Grant County, Wisconsin.

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- (6) Zone of Influence for Well #5 – The distance to one foot of aquifer drawdown at the anticipated final pumping rate when pumpage of Well #5 is assumed to be continuous without recharge for 30 days. The zone of influence shall be calculated using the Theis Method with or without groundwater modeling unless another method is approved by the Wisconsin Department of Natural Resources (DNR).
- (7) Wellhead Protection Area Overlay District (the District) – The portion of the recharge and the zone of influence areas that lie within Zones A and B as shown on Exhibit 1, which is attached hereto and by this reference is incorporated herein as if set out in full.

(E) MINIMUM SEPARATION DISTANCES FROM CONTAMINATION SOURCES.

- (1) Intent – The area to be protected is the land immediately surrounding Well #5. The land in the District is subject to certain restrictions as set forth in this Section because of its proximity to the well and the corresponding threat of contamination. The minimum separation distances shall be as set forth in NR 811.12(5)(d) or as that section may be amended.
- (2) NR 811.12(5)(d) Minimum Separation Distances – Well #5 shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of Well #5 from contamination or DNR approved treatment is installed to address potential contamination concerns, the minimum separation distances shall be:
 - (a) Ten feet (10') between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110.
 - (b) Fifty feet (50') between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.

- (c) Two hundred feet (200') between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or POWTS treatment tank or holding tank component and associated piping.
- (d) Three hundred feet (300') between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (e) Three hundred feet (300') between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (f) Four hundred feet (400') between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- (g) Six hundred feet (600') between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage

monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. SPS 310.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (h) One thousand feet (1,000') between a well and land application of municipal, commercial, or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal wastewater treatment plant treatment units, lagoons, or storage structures, manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (i) Twelve hundred feet (1200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

(F) USES PERMITTED.

- (1) Permitted uses are all specified uses in the underlying zoning district, except as prohibited by the minimum separation distances from contamination sources set forth in Section (E), or as prohibited in Section (H). The restrictions set forth herein are in addition to the restrictions and requirements of the underlying district applicable to a particular property. If there is a conflict between the restrictions and requirements associated with the district, those most restrictive to the use of the property shall apply.
- (2) The following uses shall require the approval of a Conditional Use Permit:

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- (a) All conditional uses in the underlying zoning district.
- (b) Those uses listed in Section (G).
- (c) All specified uses that do not meet the minimum separation distances from contamination sources set forth in Section (E).
- (d) Those Prohibited uses set forth in Section (H) that are found to be harmful to the groundwater may be approved as conditional uses within Zone B.

(G) CONDITIONAL USE PERMITS.

- (1) Applications for a conditional use of land within the District shall be made as provided in Section 22.13.
- (2) The following uses/facilities are conditional uses within Zone B:
 - (a) Jewelry plating and metal plating.
 - (b) Commercial establishments utilizing a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which is in conformance with SPS 383, Wis. Admin. Code.
 - (c) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
 - (d) Chemical manufacturers. (SIC Major Group 28)

(H) PROHIBITED USES.

- (1) The following uses are prohibited in Zones A and B:
 - (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
 - (b) Cemeteries
 - (c) Coal Storage
 - (d) Dry Cleaners
 - (e) Industrial Lagoons and Pits

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- (f) Landfills and any other solid waste facility, except post-consumer recycling
 - (g) Manure and animal waste storage except animal waste storage facilities regulated by the County
 - (h) Nonmetallic earthen materials extraction or sand and gravel pits
 - (i) Pesticide and fertilizer bulk storage
 - (j) Railroad yards and maintenance station
 - (k) Rendering plants and slaughterhouses
 - (l) Salt or deicing material bulk storage
 - (m) Salvage or junk yards
 - (n) Septage, wastewater, or sewage lagoons
 - (o) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more
 - (p) Stockyards and feedlots
 - (q) Wood preserving operations
- (I) PRE-EXISTING NONCONFORMING USES AND STRUCTURES. The provisions of Section 22.12 shall apply to any pre-existing nonconforming uses or structures within the District.
- (J) REQUIREMENTS FOR FACILITIES.
- (1) Approvals and Certificates – Facilities within the District shall provide, within 30 days of the receipt by the facility, copies of all federal, state and local facility operation approvals or certificates and on-going environmental monitoring results mandated by local, state or federal law to the City.
 - (2) Release of Contaminants – In the event an individual or facility within the District causes the release of any contaminants that pose a danger to the water supply, the owner shall immediately cease the activity causing the release and cleanup and remove the contaminants. The owner shall be responsible for all costs of cleanup. Such cost shall include the City's costs for supervision of the cleanup if no federal, state or other local agency assumes responsibility for the monitoring and supervision of cleanup as authorized under Chapter 292 Wis. Stats.

22.06 SPECIFIC STANDARDS.

(A) SPECIFIC STANDARDS.

- (1) In order to insure that the intent of this Ordinance is met and that certain uses are developed in a manner which is consistent with the purpose of this Chapter, the following Specific Standards are adopted for the uses listed in this section.
- (2) Whenever any use listed in this section is requested to be established as a specified use or a conditional use, the applicant requesting such use shall provide to the Zoning Administrator information adequate to show that the specific standards for that use are met, such as a site plan and/or other documentation. These materials shall be in addition to any required documentation as specified in Section 22.13.

(B) HOME OCCUPATIONS. Home occupations are an accessory use in all residential districts and are subject to the requirements of the district in which the use is located. Because the City recognizes that certain home occupations have greater land use impacts than others, this section is designed to establish three (3) tiers of home occupations. Home occupations are classified as either Type 1, Type 2 or Type 3 depending on the characteristics of the proposed occupation. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper regulations are administered. The following regulations apply to home occupations:

- (1) **General Home Occupation Standards.** All home occupations shall conform to the following standards:
 - (a) The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
 - (b) The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.
 - (c) No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.
 - (d) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference, excess trash, or any nuisance not normally associated with the usual residential use in the district.

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- (e) Violation of any of the standards or conditions of approval could result in revocation of the Type 2 or 3 home occupation approval and/or prosecution for Zoning Ordinance violations.
- (2) Type 1 Home Occupation. Qualifying Type 1 home occupations are home based businesses that have no outward appearance of business activity, excluding business identification signage, and do not typically require clients or customers to come to the property. Home occupations that meet the following standards are a specified use in all residential districts.
- (a) Home occupations shall be conducted only within the enclosed area of the dwelling unit or the garage. No more than 25 percent of a principal building or 75 percent of an accessory building may be dedicated to a home occupation. No accessory building may be built, altered, or used primarily for use in the home occupation.
 - (b) Customer and client contact shall be conducted by electronic means, telephone, by mail, or off-site and not on the premises of the home occupation.
 - (c) Sales shall be limited to mail order and telephone sales, with off-site delivery. No on-site retail sales are permitted. Services to patrons shall be provided off site.
 - (d) There shall be no exterior alterations which change the character of the dwelling and there shall be no exterior evidence of a home occupation other than a sign as permitted below.
 - (e) No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible outside any structure located on the premises.
 - (f) Only one wall sign of four (4) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached.
 - (g) Stock in trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods, and supplies other than by United States Mail, similar parcel delivery service, or by private vehicle similar in size and weight to the U.S. Mail/other parcel delivery service vehicles.
 - (h) No other person other than members of the family occupying the residence may be employed in the home occupation.

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- (3) Type 2 Home Occupation. Qualifying Type 2 home occupations are home based businesses that involve customers and clients routinely coming to the property, but no business activities are conducted outside of the buildings. Home occupations that meet the following standards are a conditional use in all residential districts and are subject to the standards and approval process set forth in Section 22.13. Any grant of approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations and conditions applied to the approval:
- (a) Home occupations shall be conducted only within the enclosed area of the dwelling unit or the garage. No more than 25 percent of a principal building or 75 percent of an accessory building may be dedicated to a home occupation. No accessory building may be built, altered, or used primarily for use in the home occupation.
 - (b) Customer and client contact activities are allowed on the property, but only within the buildings.
 - (c) The home occupation activities that involve customer contact shall be limited to the hours between 7:00 a.m. and 10:00 p.m. unless altered by the Council.
 - (d) The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
 - (e) There shall be no exterior alterations which change the character of the dwelling and there shall be no exterior evidence of a home occupation other than a sign as permitted below.
 - (f) No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation, other than an automobile or light truck, shall be visible outside any structure located on the premises.
 - (g) Only one sign (building or free-standing) of six (6) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated.
 - (h) Stock in trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods, and supplies other than by United States Mail, similar parcel delivery service, or by private vehicle similar in size and weight to the U.S. Mail/other parcel delivery service vehicles.
 - (i) Only one (1) other person other than members of the family occupying the residence may be employed in the home occupation.

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- (j) Parking shall be restricted to existing parking spaces on the premises and on-street parking spaces adjacent to the premises.
 - (k) No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. The applicant shall state on the application the expected number of vehicles per day accessing the property related to the business.
- (4) Type 3 Home Occupation. Type 3 home occupations are home based businesses that may involve customers and clients routinely coming to the property, and may exhibit visible signs of business activity, including some exterior activities. Due to potential increased traffic, noise, and nuisances associated with the use, Type 3 home occupations need to be reevaluated every two (2) years. Home occupations that meet the following standards are a conditional use in all residential districts and are subject to the standards and approval process set forth in Section 22.13. Any grant of approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations and conditions applied to the approval:
- (a) Home occupations shall occupy no more than 45 percent of a principal building or 75 percent of an accessory building and may also have an outdoor component as approved.
 - (b) Customer and client contact activities are allowed on the property.
 - (c) The home occupation activities that involve customer contact shall be limited to the hours between 7:00 a.m. and 10:00 p.m., and home occupation activities conducted outdoors shall be limited to the hours between 8:00 a.m. and 8:00 p.m., unless altered by the Council.
 - (d) The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises.
 - (e) Stock in trade, including that which is provided on the premises, shall not require receipt or delivery of merchandise, goods, and supplies other than by United States Mail, similar parcel delivery service, or by private vehicle similar in size and weight to the U.S. Mail/other parcel delivery service vehicles.
 - (f) No vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. The applicant shall state on the application the expected number of vehicles per day accessing the property related to the business.

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- (g) Only one sign (building or free-standing) of six (6) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated.
 - (h) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard unless specifically approved.
 - (i) Not more than two (2) people who do not reside on the premises may work on the premises where the home occupation is operated at any time. The home occupation may have other employees who do not regularly work on the premises. These outside employees shall not be on the premises more than two (2) hours per week and no more than five (5) outside employees may be on the premises at any time.
 - (j) If people who do not reside on the premises work in the home occupation, off-street parking must be provided for the maximum number of nonresident workers expected to be on the premises at any time excluding outside employees who are not regularly on the premises. If additional parking spaces are provided to serve the home occupation, they shall be screened from abutting residential properties by a landscaped buffer at least ten (10) feet in width and/or a solid fence at least four (4) feet high.
 - (k) No business-related equipment or materials, other than an automobile or light truck, shall be visible from the road or from adjoining properties and shall be stored inside either the vehicle, inside the home, or screened from view of a public street and adjoining properties. Parking for commercial-rated vehicles shall be identified on the application and shall be specifically approved.
 - (l) No outdoor lighting, intended for security or other reasons, shall be permitted to produce glare onto adjacent residential properties, or light onto adjacent residential properties. For the purpose of this provision, glare is defined as the viewing of a light source to include the bulb and any associated reflector as part of a light fixture, or the reflected viewing of a light source from an object not associated with the light source.
- (5) Additional Conditions. The Common Council may impose conditions upon the approval of a Type 2 or Type 3 home occupation to ensure the requirements of this chapter are complied with. These conditions may include, but are not limited to, the following:
- (a) Further limiting the hours, days, place and manner of operation;
 - (b) Requiring site and building design features which minimize environmental impacts such as noise, vibration, air pollution, light, glare, odor and dust;

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- (c) Requiring additional building setbacks, and increased lot area, depth or width;
 - (d) Further limiting the building area and outdoor storage used by the home occupation and restricting the location of the use on the site in relationship to adjoining uses;
 - (e) Designating the size, number, location and design of vehicle access points;
 - (f) Requiring street right-of-way to be free at all times of vehicles associated with the home occupation;
 - (g) Requiring landscaping, buffering and/or screening of the home occupation from adjoining uses and establishing standards for the continued maintenance of these improvements;
 - (h) Requiring storm drainage improvement, and surfacing of parking and loading areas;
 - (i) Limiting the extent and type of interior or exterior building remodeling necessary to accommodate the home occupation;
 - (j) Limiting or setting standards for the location and intensity of outdoor lighting;
 - (k) Requiring and designating the size, height, location of fences and materials used for their construction;
 - (l) Requiring the protection and preservation of existing trees and other vegetation, watercourses, slopes, wildlife habitat areas and drainage areas;
 - (m) Limiting the type and number of vehicles or equipment to be parked or stored on the site; and
 - (n) Any other limitations which the Common Council considers to be necessary or desirable to make the use comply with the purpose and intent of this chapter.
- (C) **INTENSIVE HOME OCCUPATIONS.** Intensive home occupations are a conditional use in all residential districts. They are subject to all of the requirements for a Home Occupation, except as modified by and in addition to the requirements below:
- (1) Only one other person other than members of the family occupying the residence may be employed in the home occupation.

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- (2) Only one wall sign of four (4) square feet or less shall be permitted. No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as part of the Conditional Use approval.
 - (3) Parking shall be restricted to existing parking spaces on the premises and on-street parking spaces adjacent to the premises.
 - (4) The applicant shall state on the application the expected number of vehicles per day accessing the property related to the business. The Plan Commission and Common Council may limit the number of vehicles per day accessing the business.
 - (5) The applicant shall state on the application the hours of operation of the business. The Plan Commission and Common Council may limit the hours of operation in order to maintain the residential character of the neighborhood.
 - (6) Retail sales of goods created or fabricated by the family residing on the premises (other than produce grown on the property) is permitted only as an Intensive Home Occupation, subject to all other requirements of the Conditional Use Permit.
- (D) PROFESSIONAL OFFICES (R-3 DISTRICTS). Professional offices are a conditional use in the R-3 residential district and are subject to the requirements of that district in which the use is located. In addition the following regulations apply to all professional offices in the R-3 District.
- (1) Not more than one-half of the overall floor area of the building, excluding porches, patios and garages may be occupied by the office. The remaining floor space shall be used as for residential purposes and need not be the residence of the person maintaining the office.
 - (2) No more than one separate and distinct business operation shall be allowed in any building in a residential district.
 - (3) The number of employees permitted and parking requirements shall be determined by the Plan Commission, with approval of the Common Council.
 - (4) No sign identifying a professional office in a residential zoning district shall be illuminated. Only one non-illuminated wall sign of 4 square feet or less shall be permitted. A larger building sign or freestanding sign may be approved as a part of the Conditional Use approval.

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(E) HOME-BASED PROFESSIONAL OFFICES. Home-based professional offices are a Conditional Use in the R-2 and R-3 districts, and are subject to the following regulations:

- (1) A home-based professional office may only be located within the residence of a doctor of medicine, dentist, clergy person, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, or other recognized professional.
- (2) The home-based professional office may not exceed one-half (1/2) of the area of only one floor within the residence.
- (3) No more than one (1) non-resident person may be employed.
- (4) The home-based professional office must be operated so that utilization of available on- and off-street parking spaces does not cause congestion or traffic visibility problems.

(F) BED AND BREAKFAST ESTABLISHMENTS.

- (1) For an existing structure which is proposed to be converted to a bed and breakfast establishment, all dimensional requirements of the zoning district are waived.
- (2) Required off-street parking areas and access drives shall be hard surfaced and dust free.
- (3) Bed and Breakfast establishments shall conform to all state requirements.
- (4) Signs:
 - (a) One wall sign shall be permitted, which shall not exceed four (4) square feet in area.
 - (b) The sign shall be attached to the building in the same plane as the wall to which it is attached. A larger building sign or freestanding sign may be approved as a Conditional Use.

(G) FUEL TANKS AND FUEL DISPENSING EQUIPMENT.

- (1) Fuel pumps and above-ground fuel tanks used for or intended for use as dispensing equipment for motor vehicle fuel are prohibited in residential districts. In other districts any such equipment shall be located a minimum of 30 feet from any lot line.

(H) DRIVE-THROUGH FACILITIES.

- (1) Vehicle Stacking Requirements. Drive-through facilities shall be designed so that vehicles are not required to stack on the public right-of-way. Further, drive-through facilities shall provide the following minimum stacking spaces on the site:
 - (a) Drive-through Restaurant Facilities: a minimum of five vehicle stacking spaces (including the vehicle at the first service window).
 - (b) All other drive-through facilities: a minimum of two vehicle stacking spaces (including the vehicle at the first service window).
 - (2) Any amplified audio equipment shall be located a minimum of 30 feet from any lot line abutting a residential district.
- (I) VEHICLE WASHING FACILITIES.
- (1) There shall be no less than three vehicle stacking spaces per bay, not including the bay itself. The site shall be designed so that all stacking is on the site and no vehicles are required to stack on the public right-of-way.
 - (2) The facility shall be designed so that any runoff is contained on the site. Provisions shall be made to contain water dripping from vehicles to the greatest degree possible.
- (J) OUTDOOR EATING OR DRINKING AREAS OR BEER GARDENS. Outdoor eating or drinking areas or beer gardens must be located on the same property as an approved indoor establishment and shall be subject to the following requirements:
- (1) The outdoor eating and drinking facility shall be operated and maintained by the same person or entity that operates and maintains the related indoor establishment.
 - (2) All outdoor loudspeakers shall be oriented away from any abutting residential uses. All outdoor music or entertainment shall cease by 10:30 p.m. on Sunday through Thursday, and by 11:30 p.m. on Friday and Saturday, or earlier as specified in the Conditional Use Permit approval.
 - (3) All necessary amendments to the liquor license regarding the description of the area of the licensed premises shall be approved prior to the service of alcohol in the outdoor area.
 - (4) Adequate trash receptacles shall be provided and the outdoor dining area shall be kept clean and free of debris.

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- (5) The outdoor seating area shall not obstruct any fire exit, fire escape, or other required means of ingress or egress.
- (6) The outdoor dining area, and all related activities, shall remain within the property boundaries. Requirements for fencing or providing another type of enclosure may be included as part of a Conditional Use Permit.
- (7) The business owner shall be responsible for enforcing the provisions of this ordinance.

22.061 DESIGN REVIEW

- (A) **PURPOSE AND INTENT.** Pursuant to the authority of Section 62.23(3), Wisconsin Statutes, the purpose of this chapter is to establish requirements to guide and coordinate commercial development within the community. Specifically, the standards established by this Chapter are to insure that commercial development is compatible with surrounding land uses, contributes to the unique character and aesthetics of the City of Platteville, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.
- (B) **APPLICABILITY.**
 - (1) **New Construction.** The following design standards and conditional use permit requirement for large developments shall apply to new buildings and uses in the City that are located within the B-2 and B-3 districts, and to non-residential buildings in the B-1 and CBT zoning district. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
 - (2) **Existing Buildings.** Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
 - (a) All building additions located between the existing building and the street must comply with the architectural standards of this section.
 - (b) Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping, sidewalk, and site design standards in this section.
 - (3) **Large Commercial Developments.** (a) All new commercial establishments whose gross enclosed floor areas are equal to or greater than one hundred twenty five thousand (125,000) square feet shall be required to apply for and receive a conditional use permit from the Common Council, which shall apply

the standards of Section 22.13 of the Municipal Code, in addition to those set forth herein, in determining whether or not to grant such a permit. A separate conditional use permit is not required where such buildings are part of an approved Planned Unit Development.

- (b) All additions to existing commercial buildings built either before or after the adoption of this section, which bring the total enclosed gross floor area of the building equal to or over 125,000 square feet shall also require a conditional use permit and become subject to the requirements of this section.
- (c) When considering a conditional use permit application under this section, the Plan Commission or Council may require that additional information be submitted for review, which may include, but not be limited to, the following:
 - 1. A completed transportation and traffic impact analysis in a format acceptable to the State of Wisconsin District 1 and the City Engineer.
 - 2. A detailed fiscal impact analysis, which will determine the impacts on City services, utilities and facilities, and determine the ability of the City to provide the needed public services and facilities to adequately serve the proposed development. Public services reviewed may include, but not be limited to, water, sanitary sewer, storm sewer, streets, sidewalks, traffic control, fire, EMS, and police protection.
 - 3. If determined necessary by the Council, the applicant shall provide adequate funding to the City to hire a consultant, selected by the Council, that has appropriate experience to complete and present the above desired studies, or review the analysis completed by the developer. If a consultant is hired by the Council, the competitive bidding requirements of the City shall apply, however, the total cost to the applicant for the City's consultant costs shall not exceed one hundred dollars (\$100) per one thousand (1000) square feet of gross enclosed floor area of the proposed building.
- (d) The Plan Commission and/or Council may use the results of any studies or analysis to help evaluate whether a project should be approved, denied, or approved with conditions which are intended to help mitigate potential adverse impacts to the community, neighborhood, infrastructure or City services.

- (e) Any impact assessment/study that is required, as part of a Conditional Use Permit approval for a large commercial development, shall assess the following areas of potential impact:
1. Traffic Impact.
 - a. Existing Traffic Conditions: Average daily and peak hour volumes, sight distances, street capacity, level of service, physical characteristics of the streets, number and location of driveways and intersections, average and peak speeds, accident data, pedestrian movement, and public transportation and traffic controls for streets and intersections adjacent to the project and for streets and intersections which will experience a 10% increase in peak hour traffic as a result of the project or which will experience a reduction in the level of service as a result of the project, and for failing streets and intersections which will experience an increase in traffic as required by the Council.
 - b. Projected Traffic Conditions: Average daily and peak hour traffic projections and directional distribution of site generated traffic, sight distances at proposed driveway intersections with streets, on-site traffic circulation and parking layout, pedestrian movement and background traffic conditions for the design year including any planned roadway/traffic improvements and other proposed projects in the vicinity of the site.
 - c. Projected Traffic Impact: Evaluate how the proposed project will affect traffic conditions on streets and intersections adjacent to and those likely to be affected by the proposed project including level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian movement, and public transportation.
 2. Impact to Municipal Utilities/Services.
 - a. Water Supply: Describe the proposed water supply system including average daily and peak water demand; location, sizing, and accessibility to municipal water mains; and water pressure and flows available at the site. Evaluate the capacity of the City's water supply and distribution system to adequately service the projected water and fire flow needs of the project; the need for pumping stations, standpipes, or improvements to the water system required to service the project. Estimate the cost and discuss the responsibility for construction of improvements and on-going maintenance.

- b. Sewage Disposal: Describe the proposed sewage disposal system including average daily and peak wastewater discharges to the municipal sewer system; composition and concentration of wastewater; location, sizing, and pumping stations, forced mains or other system improvements required to adequately service the project. Evaluate the capacity of the sewage treatment plant and the sewerage system to accommodate the wastewater flows. Estimate the cost and discuss the responsibility for construction of system improvements and on-going maintenance.
 - c. Storm Sewers: Describe the proposed surface drainage system including pre and post runoff calculations; the location, sizing, accessibility, and proposed discharges to the municipal storm system. Evaluate the capacity of the existing storm sewers to accommodate projected storm water runoff. Estimate the cost and discuss the responsibility for construction of storm sewer improvements and on-going maintenance.
 - d. Emergency Services: Describe the anticipated fire and police protection needs including time and demand on municipal personnel; provision for alarms or warning devices; on-site fire-fighting and security capabilities; need for increased municipal personnel or equipment. Estimate the cost and discuss the responsibility for providing emergency protection to the project.
3. Fiscal Impact. a. Evaluate the projected costs and benefits to the community resulting from the project including: Projected costs arising from increased demand for and required improvements to public services and infrastructure; Value of improvements to public services and infrastructure to be provided by the project; Projected tax revenues to be generated by the project; Projected impact of the project on surrounding land values and any potential loss or increase in tax revenues to the City; Short-term and long-term projection of increased City revenues and costs resulting from the proposed project.
- (f) The Plan Commission and Council shall consider the following standards when reviewing the results of the required impact assessment/study:
- 1. Traffic Impact Standards. a. The Level of Service (LOS) of all streets and intersections evaluated under this Ordinance shall

not be reduced below a level determined acceptable by the City Engineer.

- b. The design goal for all streets, signalized intersections, and turning movements at unsignalized intersections shall be LOS C or better. For streets and intersections currently functioning at LOC C or better, mitigation measures shall be provided to maintain or improve the existing LOS, if reasonably possible. Where the existing LOS is D, mitigation measures shall at a minimum, maintain the existing conditions or upgrade the LOS to C or better.
 - c. For all streets and intersections that are currently failing (LOS E or worse), the goal of mitigation measures is to provide a LOS D or better. At a minimum, existing conditions at failing streets and intersecting shall not be further degraded as a result of the project.
 - d. Driveways shall be located to limit conflict points with existing driveways and intersections and shall meet intersection design standards for secondary roads required in the Chapter 21, the Subdivision Regulations.
 - e. Shared driveways and service roads shall be used to control access onto existing streets.
 - f. The impact of increased turning movements shall be mitigated.
 - g. The project shall be sited and driveways located to prevent routing of non-residential traffic to and through residential streets.
 - h. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.
2. Municipal Utilities/Services Impact Standards. a. The public water, sewer, and drainage systems in the vicinity of the site shall be adequate to serve the proposed project. If public utilities are not adequate to serve the project, the reviewing authority may require, as a condition of approval, off-site improvements to increase the capacity of such utilities sufficient to serve the project.

- b. All utilities shall be placed under ground where physically feasible.
 - c. Discharges to the sewage treatment plant will need to be pretreated if required by the Water and Sewer Commission to prevent overloading of the treatment plant.
 - d. On-site storm water management measures shall be required to ensure that the rate of runoff from the site to the municipal storm sewer is not increased. Provision shall be made for on-going maintenance of on-site storm water management facilities connected to the public storm drain.
 - e. Municipal police and fire services shall not be strained by the proposed project. Adequate fire flows shall be available at the site. Improvements to the water system may be required to provide adequate service or on-site alternatives owned and maintained by the landowner may be required.
 - f. The project shall not cause erosion, flooding, sedimentation, or increase the rate of runoff from the site. Provision shall be made for attenuation of runoff pollutants. Groundwater recharge shall be provided where the City deems it important.
3. Fiscal Impact Standards.
- a. The proposed project shall not have a significant adverse impact on the City in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income. The Council may require phasing of the project to minimize negative fiscal impacts to the City over the short term.
 - b. The project shall be designed to minimize any negative impacts to adjoining property values.
 - c. The applicant may be required to demonstrate the financial ability to complete the project and to achieve long-term financial stability.
- (g) The Common Council shall, within ninety (90) days from the date of initial review by the Plan Commission, either approve, conditionally approve or deny the Conditional Use Permit request.

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- (4) Exceptions. This section shall not apply to the following:
- (a) Restoration of buildings or landscapes with a historic designation or developments located within the Main Street Commercial Historic District.
 - (b) Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.
 - (c) For developments equal to or over 125,000 square feet, the Council may grant waivers to the standards of this section under the following circumstances.
 1. Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner or developer of the property; or
 2. The proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
 3. Granting of the waiver would not impose significantly more negative impacts on nearby properties.
- (C) ARCHITECTURAL STANDARDS. (1) Building Design. Buildings should provide visual interest, identity, character and scale by providing the following:
- (a) Building Width and Façade.
 1. Façades greater than one hundred (100) feet in length, and visible from a public street, shall incorporate wall plan projections or recesses having a depth of at least six (6) feet and extending at least twenty (20) percent of the length of the façade.
 2. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
 3. Ground floor façades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.

4. Building façades over one hundred (100) feet in length and facing a street shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv). expression of architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
5. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and when possible should be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.

(b) Loading and Mechanical Facilities.

1. The preferred location for loading and staging areas is on the side or rear of the building, and the following conditions shall be met for all loading areas:
 - a. All loading areas that are visible from the street, or that are facing a residential property, shall be screened with landscaping and/or walls. If screening is provided with landscaping, then the additional landscaping must add the required number of points for each loading dock according to Section F. If the delivery/loading operations are screened by walls, then the walls shall be not less than six feet in height, and constructed of the same materials as are used in the principal structure, or other suitable material as determined by the Zoning Administrator.
 - b. If permitted by the Zoning Administrator, street side loading shall be allowed provided the loading dock is set back a minimum of sixty (60) feet from the street right-of-way line, and at least ten (10) feet further back than the front façade. No loading dock shall be located so as to make it necessary for vehicles to be within the street right-of-way during loading and unloading operations.
2. All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on

the roof or otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.

(c) Roof Treatment.

1. Roofs shall have no less than two (2) of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one third (1/3) of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.
 - b. Overhanging eaves, extending no less than three feet past the supporting walls.
 - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every one foot of horizontal run.
 - d. Three or more roof slope planes.
2. Buildings façades over one hundred (100) feet in length and facing a street shall have a minimum of twenty percent (20%) of all of the combined linear roof eave or parapet lines of the structure employ differences in height, with such differences being four (4) feet or more as measured eave to eave or parapet to parapet.

(2) Building Materials. To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:

- (a) The preferred building materials for exterior walls facing streets are brick, decorative masonry block, stone, wood and/or stone aggregates. Exterior Insulated Finish Systems (EIFS) or equivalent exterior finish may also be used, but preferably will not exceed a coverage of more than fifty percent (50%) of the wall elevation. Unfaced concrete block, structural concrete, prefabricated metal siding, and the like are discouraged from such façade areas. Other materials may be used for trim and/or architectural details, but these materials should not cover more than ten percent (10%) of the façade.

- (b) Surface coverings on flat or low-slope roofs that are visible from a public street shall be of material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
 - (c) If building materials other than preferred materials are used on the building façade(s) facing a street, then additional landscaping is required between the building and the street right-of-way. The additional landscaping must add the required number of points for the linear frontage of the building according to Section F.
- (D) **PARKING DESIGN.** (1) The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section F below.
 - (2) Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
 - (3) Whenever possible, provisions should be made to allow direct vehicular circulation between adjacent parcels. This can be accomplished through the use of access easements and driveways connecting parking lots and access drives.
 - (4) All parking areas of five (5) or more vehicles shall be paved and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.
- (E) **OUTDOOR STORAGE AND SCREENING.** (1) The preferred location for the outdoor storage of products, materials or equipment is within the side or rear building yards. If these functions are provided in the street yard, then additional landscaping is required between the outdoor storage area and the street following the standards of Section F. This restriction does not apply to short-term display items or items that are available for purchase by the consumer.
 - (2) All outdoor refuse collection areas shall be visually screened from public streets and adjacent property by a complete opaque screen, fence or wall.

- (3) The exterior storage of boats, campers, and other materials or products not associated with the permitted use of the premises on which they are located is not permitted.
- (F) LANDSCAPING AND GREENSPACE. (1) All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.
- (2) Where the development adjoins a residential property, at a minimum, a ten (10) foot landscape buffer is required between any parking area, loading area, refuse collection area, or outside storage area and the residential lot line. The landscape buffer area shall include plantings to meet the point as required by this section, and a berm, solid fence, or wall at least five (5) feet tall. Temporary outdoor storage consisting of semi-trailers does not require a solid fence or wall, but it shall meet the landscape requirements. The placement of semi-trailers and other storage containers shall be transitory in nature and they shall not be used for permanent or long-term storage.
 - (3) All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
 - (4) Minimum Requirements. All developments are required to have a minimum quantity of landscaping based on the size of the parcel, structure, and parking lot according to Schedule 1:
 - (a) One (1) canopy tree is required for each one hundred feet (100') of lot frontage and should be located along the street frontage of the property, or between the building and the street.
 - (b) A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one-thousand (1,000) square feet of enclosed ground floor building area. Buildings over 25,000 square feet in area shall be required to accumulate ten (10) points for each one-thousand (1,000) square feet for the first 25,000 square feet, and five (5) points for each one-thousand (1000) square feet of additional building area. The required landscaping should be located between the building and the street, or between the building and any residential properties, unless another location is agreed to by the Zoning Administrator.
 - (c) A combination of landscaping to equal five (5) points per parking space for parking areas that contain up to fifty (50) parking spaces, and two and one-half (2.5) points per space for additional spaces over fifty (50).

Schedule 1

Point Schedule for Landscape Elements		
Landscape Element	Minimum Plant Size (installed)	Points
Canopy Trees	2 1/2" diameter min. caliper	50
Canopy Trees	Under 2 1/2" diameter caliper	30
Evergreen Trees	4 feet and larger	30
Low Ornamental Trees	5 feet and BB stock	20
Tall Shrubs	36 and taller	15
Medium Shrubs	24 to 36	10
Low Shrubs	12 to 24	5

- (4) Additional Requirements. Additional landscaping may be required for developments that do not meet the preferred goals for building design, building materials and site layout, or as required as part of a Conditional Use Permit. The extra landscaping shall be calculated based on Schedule 1 and the following requirements:
- (a) A combination of landscaping to equal five (5) points for each ten (10) feet of building frontage, for buildings that do not utilize the preferred materials on the street façade, which should be located between the building and the street.
 - (b) A combination of landscaping to equal two hundred (200) points for each loading dock located on the front of the building, visible from the street, or facing a residential property. The landscaping shall be located between the loading dock and the street, or the loading dock and the residential property.
 - (c) A combination of landscaping to equal twenty (20) points for each ten (10) feet of perimeter around an outside storage area, including parking areas for semi-trailers, and refuse enclosures.
 - (d) A combination of landscaping to equal two and on-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of residential parcels. The required landscaping should be located between the parking area and the street, or between the parking area and the residential parcel.

- (6) The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

Existing Trees	Number of Trees Credited (2 1/2" caliper)
36" or greater	8 trees
18-35"	6 trees
12-17"	4 trees
6-11"	2 trees
Less than 6"	1 tree

- (7) The landscaping point requirements do not apply to parking spaces that utilize "turf-based" surface materials, such as Geoblock or Grasspave.
- (8) A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, plan commission, or the common council, including but not limited to the following.
- (a) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing, and the scientific and common names of all landscape materials used.
 - (b) The size of existing trees shall be provided.
 - (c) The location and percent of slope of all proposed berms using one foot contours.
 - (d) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
- (G) Lighting and Utilities. (1) Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness. Design limits and intensity requirements may be placed on large establishments as a condition of a Conditional Use Permit.
- (2) Parking and security lighting poles shall not be taller than the maximum allowable building height allowed in the underlying zoning district for the property, or 35 feet, whichever is less.

- (3) All exterior lighting shall be of full cutoff design, or shielded and positioned at a ninety-degree (90°) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator or the Council.
- (4) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.
- (H) Natural Resources Protection. Each project shall meet the erosion control and storm water management standards of the City of Platteville and the Wisconsin Department of Natural Resources. Maintenance of any storm water detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.
- (I) Sidewalks and Bike Paths. Each project involving new and expanded buildings shall include the installation of sidewalks within the public right-of-way along the frontage of the property, which shall be installed by and at the expense of the developer/property owner. The Council may provide exceptions to this requirement as further provided below. If sidewalks are not required to be installed as part of the project, the Common Council maintains the right to construct sidewalks at a future date and assess the owner(s) of the adjacent land for the costs thereof.
 - (a) Sidewalk Installation Exceptions. In situations where the installation of sidewalks would be significantly more difficult due to a physical characteristic of the proposed sidewalk location, an appeal may be made for an exception to the sidewalk installation requirements. Application for an exception shall be made on a form provided by the City and shall be accompanied by the applicable fee. The request shall be submitted to the Director of Public Works and shall be accompanied by an explanation of the characteristics present that impact the ability to install the sidewalk, and a cost estimate of the proposed installation. The Director of Public Works shall present the request to the Community Safe Routes Committee and Plan Commission for input, and then make a recommendation to the Common Council. The Council shall determine if the sidewalk shall be installed. The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.
 - 1. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.

2. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
3. The area is not identified as a Tier 1, 2, or 3 priority area on the most current Sidewalk Plan and Map.

(b) The Common Council, after receiving input from the Director of Public Works, the Community Safe Routes Committee, and the Plan Commission, may take the following action:

1. Deny the exception and require sidewalks to be installed.
2. Allow the sidewalks to be installed on one side of the street only.
3. Approve the exception.
4. Allow for a delayed sidewalk installation as part of a development agreement.
5. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the project.

(c) If an exception is approved, the developer/property owner shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.

(2) Bike paths may be required to be installed on the property as part of a Conditional Use Permit approval. If installation of bike paths is required, the developer shall grant to the City such easements as would be reasonably necessary to allow construction and use of the bike path and pay for the costs of installation according to specifications required by the City.

(J) Vacation and Maintenance of Buildings. As part of the Conditional Use Permit approval for a Large Commercial Development, the developer may be required to enter into an agreement with the City that would require action to minimize the negative impacts that may come from vacating an existing building located in the City, or vacating the proposed development at a future date. Such agreement may include, but not be limited to the following requirements:

(1) Marketing the existing or new building. If a developer chooses to vacate an existing building and property located in the City and/or a new building, the developer agrees to cooperate with the City, the Platteville Area Industrial

Development Corporation (“PAIDC”), Grant County Economic Development Corporation (“GCEDC”) and the Platteville Area Chamber of Commerce (the “Chamber”) in marketing the building, as appropriate, including but not limited to preparing and distributing marketing material for the same and marketing to local and national retailers and commercial developers.

- (a) The developer agrees to provide periodic written reports to the City regarding the status of the marketing of the property upon written request by the City.
 - (b) The developer may divide or reconfigure the property, as appropriate, to accommodate an adaptive re-use, in order to meet the needs of future tenants; however, other arrangements may be negotiated with tenants, depending upon the nature of the tenants lease requirements.
 - (c) The developer agrees that if it chooses to sell or otherwise lease the property to an unaffiliated entity, that it will install at least one (1) professionally designed sign, consistent with local sign ordinances, not to exceed thirty-two (32) square feet in area, which shall be installed at the front of the property, as appropriate, which provides the contact information of the person or agency handling the sale and/or lease of the property, and includes a statement that the property is available for sale and/or lease.
 - (d) Should a tenant of the developer vacate the property, the developer agrees that it will undertake the same measures referenced above to secure additional tenants and/or purchasers for the property, as appropriate and the developer shall continue these activities during the primary term of a lease, or any renewals by the any tenants thereof.
- (2) Property Maintenance. The developer, through its employees, contractors or agents, agrees to maintain and keep the existing building and/or the new building exterior, landscaping, parking lots and other site improvements in a safe, well-kept manner.
- (a) The developer shall exercise reasonable care to prevent trash, garbage, litter or other refuse from accumulating on the existing parcel and/or the new building. “Reasonable care” as this term is defined in this subsection shall include but not be limited to inspecting the existing parcel and/or the new building at least weekly, and at such time removing trash, garbage, litter or other refuse that may have accumulated.
 - (b) The developer shall exercise reasonable care to maintain the vegetation, trees, shrubs, sod and other landscaping as may exist on the existing parcel and/or the new building at the time such store

building is vacated. "Reasonable care" in this subsection shall include watering, fertilizing, trimming, mowing and replacing dead vegetation, trees, shrubs, sod and other landscaping.

- (c) The developer shall exercise reasonable care to keep the existing parcel building and/or the new building, parking lot and other related improvements and fixtures in a condition substantially similar to the condition as existed on the date such store building was vacated. "Reasonable care" shall include but not be limited to, painting the exterior of such building, replacing damaged or worn exterior façade building materials, and sealing and resurfacing the parking lot, all as may be necessary from time to time.

22.062 MULTI-FAMILY DESIGN REVIEW.

- (A) **PURPOSE AND INTENT.** Pursuant to the authority of Section 62.23(3), Wisconsin Statutes, the purpose of this Chapter is to establish requirements to guide and coordinate multi-family development within the community. Specifically, the standards established by this Chapter are to insure that multi-family development is compatible with surrounding land uses, contributes to the unique character and aesthetics of the City of Platteville, does not have an adverse fiscal impact on City infrastructure or services, and promotes the general health, safety and welfare of the community.
- (B) **APPLICABILITY.** (1) **New Construction.** The following design standards shall apply to new residential buildings in the City that contain three (3) or more housing units, or existing buildings in which the exterior volume of the building is enlarged to provide additional housing unit(s), and the resulting building contains three (3) or more housing units. The standards are required in addition to the general standards and requirements of the Zoning Ordinance and to all other applicable ordinances, rules, regulations, and laws. In the event of conflicting provisions, the more restrictive shall control.
 - (2) **Existing Buildings.** Where changes or additions are proposed for buildings constructed prior to the effective date of this Ordinance and such buildings do not comply with the standards in this section, such changes and additions must comply with the standards in this section as follows:
 - (a) All building additions located between the existing building and the street must comply with the architectural standards of this section.
 - (b) Building additions in excess of fifty percent (50%) of the existing floor area shall comply with the architectural standards, landscaping and site design standards in this section.

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- (2) Exceptions. This section shall not apply to the following:
 - (a) Restoration of buildings or landscapes with a historic designation or developments located within the Main Street Commercial Historic District.
 - (b) Expansion of a parking lot or circulation area without any other modifications to any structures on the site shall not require the entire site to be brought up to full compliance with landscape standards.
- (C) ARCHITECTURAL STANDARDS. (1) Building Location and Orientation. Multi-family developments shall meet the following standards:
 - (a) Buildings and site layouts shall meet the prescribed building and fire code requirements.
 - (b) Developments that have multiple residential buildings on a site shall have a minimum separation of twenty (20) feet between the buildings. When the building separation is less than thirty (30) feet, the buildings should be oriented in a manner that does not align windows on one building with windows on another.
 - (c) No detached parking garage may be located within twenty (20) feet of a residential structure and may not be located in the street yard.
 - (d) Garbage and refuse enclosures shall be located in the side or rear yard and shall be screened from public streets and adjacent property by an opaque screen, fence, or wall at least five (5) feet tall.
- (2) Building Design. New multi-family construction shall comply with the following building form standards:
 - (a) Structures that have one or two stories (levels) shall not have a continuous horizontal distance exceeding one hundred sixty (160) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet. Structures that have three or greater stories (levels) shall not have a continuous horizontal distance exceeding one hundred twenty (120) feet (measured from end wall to end wall), without an offset or change in the front façade that has a depth of at least six (6) feet.
 - (b) Roofs shall have gable, hip, or gambrel forms (minimum pitch 3 to 12) with at least a 6-inch overhang.

- (c) No uninterrupted roof plane shall extend for more than sixty (60) feet, as measured at the roof eave, without a change in roof elevation, roof slope, or other design feature.
- (d) A minimum of fifteen percent (15%) of the area of a façade facing a street shall consist of windows or doors. Plans should show the street façade area and window/door measurements and demonstrate on the plan that the fifteen percent (15%) standard has been met.
- (e) Garages attached to living units that have garage doors facing the street shall not extend more than four (4) feet in front of the main façade(3) of a dwelling structure.
- (f) Garage doors of attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family building's street façade(s), and every two (2) single-bay garage doors or every double garage door shall be offset by at least four (4) feet from the plane of an adjacent garage door(s).
- (g) Building entrances shall be designed in a manner that provides a safe, inviting environment, and shall not create dark, hidden spaces. Each building entry shall be visible from the street, from a parking area, or from a window of a unit within the building. Entrance doors that provide access to common areas in the building shall be locked to prevent uninvited access to the general public. Access shall be provided only to the tenants of the building and the building owner or manager.
- (h) At least one building entrance shall face the street or the main parking area.
- (i) Building entrances shall be clearly defined and highly visible on the building's exterior design, and when possible should be emphasized by on-site traffic flow patterns. The front entry shall include some form of entry feature, such as a porch, portico, peaked roof form, or other distinct architectural feature.
- (j) Building elevations facing a street (facades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every thirty (30) feet, and on each floor shall contain a minimum of two (2) of the following features:
 - 1. Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of three (3) feet;

2. Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of two (2) feet and minimum width of four (4) feet; and/or
 3. Offsets or breaks in roof elevation (height) of two (2) feet or greater in height.
- (3) **Building Materials.** To establish a standard of quality and to maintain architectural integrity, all buildings shall use durable and attractive materials that meet the following standards:
- (a) Allowable building materials for exterior walls facing streets and facades facing a property zoned R-1, or a property zoned R-2 and used as a single-family residence, are brick, decorative masonry block, stone and/or stone aggregates, wood, vinyl, EIFS or equivalent exterior finish. Unfaced concrete block, structural concrete, pre-fabricated metal siding, and the like are not permitted on such façade areas.
 - (b) A minimum of twenty five percent (25%) of the total net exterior wall area of the street façade(s) of the building, excluding gables, windows, doors and related trim, shall be brick, stone, or decorative masonry block.
 - (c) Surface coverings on flat or low-slope roofs that are visible from a public street shall be of a material that is non-reflective and non-glare. Heavy-duty contoured shingles, shakes, and standing seam metal roofing materials are acceptable for pitched roofs.
- D. **SITE DESIGN STANDARDS.** (1) **Open Space.** New multi-family construction shall comply with the following open space standards:
- (a) The area of the property that is covered by buildings, driveways and parking areas shall not exceed seventy percent (70%) of the total property area.
 - (b) A minimum of five percent (5%) of the property area shall be maintained as common open space for active and passive recreational use by residents. Parkland dedicated to the City as part of the development shall count toward this requirement.
 - (c) Common open space areas provided to comply with this ordinance shall have no horizontal dimension less than twenty feet (20').
 - (d) Areas used for stormwater detention, and areas with slopes over twenty percent (20%) will not be counted toward the minimum common space area. Patios, basketball courts, and other similar structures may

be located in the required area, but non-recreational structures are not permitted in this common space.

(2) **Parking and Vehicular Access.** Multi-family developments shall provide parking design in accordance with the following standards:

- (a) The preferred location for parking is within the side or rear building yards. If parking is provided in the street yard, then additional landscaping is required between the parking area and the street right-of-way. The additional landscaping must add the required number of points for each parking space according to Section 3 below.
- (b) Whenever possible, parking areas should be designed so that the parking is separated into smaller delineated groupings of spaces. Such groups should be separated by landscaping and/or design components of the proposed building.
- (c) All parking areas of five (5) or more vehicles shall be hard surfaced and graded according to a drainage plan designed and installed in accordance with accepted engineering practice, which may include catch basins, sumps, and underground storm sewers. All drainage plans shall be reviewed and approved by the City Engineer.
- (d) No driveway, parking stall or paved vehicular surface may be located within five (5) feet of any property line.
- (e) A minimum five (5) foot wide planter area shall separate and visually screen parking from living area windows. The planter area shall include a mix of ground cover and shrubbery.
- (f) All parking stalls fronting a sidewalk, or planted area shall be provided with a secure wheel bumper not less than 6 inches in height and set back from the front a minimum of two (2) feet to allow for vehicle encroachment. As an option, the sidewalk or planter may be protected by a curb not less than 6 inches in height.

(3) **Pedestrian Circulation and Access.**

(a) **Internal Sidewalks.** Multi-family developments shall provide pedestrian circulation in accordance with the following standards:

1. Internal sidewalks shall be provided to connect all abutting streets to primary building entrances and shall connect the dwelling units to parking areas and abutting public sidewalks and pedestrian trails (if available).

2. Internal sidewalks shall be separated a minimum of five (5) feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.
 3. Internal sidewalks shall be at least four (4) feet wide and shall have a surface of concrete, asphalt or masonry pavers.
- (b) Public Sidewalk. Each project involving new and expanded buildings shall include the installation of sidewalks within the public right-of-way along the frontage of the property, which shall be installed by and at the expense of the developer/property owner. The Council may provide exceptions to this requirement as further provided below. If sidewalks are not required to be installed as part of the project, the City maintains the right to construct sidewalks at a future date and assess the owner(s) of the adjacent land for the costs thereof.
1. Sidewalk Installation Exceptions. In situations where the installation of sidewalks would be significantly more difficult due to a physical characteristic of the proposed sidewalk location, an appeal may be made for an exception to the sidewalk installation requirements. Application for an exception shall be made on a form provided by the City and shall be accompanied by the applicable fee. The request shall be submitted to the Director of Public Works and shall be accompanied by an explanation of the characteristics present that impact the ability to install the sidewalk, and a cost estimate of the proposed installation. The Director of Public Works shall present the request to the Community Safe Routes Committee and Plan Commission for input, and then make a recommendation to the Common Council. The Council shall determine if the sidewalk shall be installed. The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.
 - i. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.
 - ii. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
 - iii. The area is not identified as a Tier 1, 2, or 3 priority area on the most current Sidewalk Plan and Map.

2. The Common Council, after receiving input from the Director of Public Works, the Community Safe Routes Committee, and the Plan Commission, may take the following action:
 - i. Deny the exception and require sidewalks to be installed.
 - ii. Allow the sidewalks to be installed on one side of the street only.
 - iii. Approve the exception.
 - iv. Allow for a delayed sidewalk installation as part of a development agreement.
 - v. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the project.
3. If an exception is approved, the developer/property owner shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.

(3) Landscaping and Screening. Multi-family developments shall provide landscaping in accordance with the following standards:

- (a) All ground, with the exception of walks, drives, parking facilities and service areas, will be landscaped with permanent lawn and ground covers, shrubs and trees, in a manner that is complimentary to the architecture and provides the required screening.
- (b) Where the development adjoins a property zoned R-1, or a property zoned R-2 and used as a single-family residence, a ten (10) foot landscape buffer is required between any parking area or refuse collection area and the residential lot line. The landscape buffer area shall include plantings to meet the points as required by this section. The width of the buffer area may be reduced to five (5) feet if a berm, solid fence, or wall that is six (6) feet tall is provided within this buffer area.
- (c) Minimum Requirements. All developments are required to have a minimum quantity (points) according to Schedule 1 and the following criteria:
 1. Lot Frontage. One (1) canopy tree is required for each one hundred feet (100') of lot frontage, and should be located along

the street frontage of the property, or between the building and the street.

2. **Building Area.** A combination of landscaping in addition to the required canopy trees to equal ten (10) points for each one-thousand (1,000) square feet of enclosed ground floor building area. The required landscaping should be located between the building and the street, or between the building and any single-family residential properties, unless another location is agreed to by the Zoning Administrator.
3. **Parking.** A combination of landscaping to equal five (5) points per parking space for exterior parking areas. An additional two and one-half (2.5) points per space for parking located within the street yard, or within twenty (20) feet of a property zoned R-1, or a property zoned R-2 and used as a single-family residence. The required landscaping should be located between the parking area and the street, or between the parking area and the single-family residential parcel.
4. **Refuse Enclosure.** A combination of landscaping to equal two and one-half (2.5) points for each foot of perimeter around a refuse enclosure.

Schedule 1

Point Schedule for Landscape Elements		
Landscape Element	Minimum Plant Size (installed)	Points
Canopy Trees	2 1/2" diameter min. caliper	50
Canopy Trees	Under 2 1/2" diameter caliper	30
Evergreen Trees	4 feet and larger	30
Low Ornamental Trees	5 feet and BB stock	20
Tall Shrubs	36 and taller	15
Medium Shrubs	24 to 36	10
Low Shrubs	12 to 24	5

- (d) A landscape plan must be submitted which includes details of all proposed landscaping, buffering, and screening. The plans shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and all other information required by the zoning administrator, or the common council, including but not limited to the following:
 - (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity) and the scientific and common names of all landscape materials used.

- (2) The size of existing trees shall be provided.
 - (3) The location and percent of slope of all proposed berms using one foot contours.
 - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
- (e) The applicant may request points for decorative fences, earth berms, ground covers and existing vegetation. The applicant must demonstrate that these landscape elements will contribute to the overall landscape objectives, and these items must be shown on the landscape plan that is submitted for approval. Shrubs and small evergreen trees shall be counted on a one for one basis. Existing deciduous trees shall be calculated as follows:

Existing Trees	Number of Trees Credited (2 1/2" caliper)
36" or greater	8 trees
18-35"	6 trees
12-17"	4 trees
6-11"	2 trees
Less than 6"	1 tree

- (f) All required landscaping shall be completed within twelve (12) months of the issuance of an occupancy permit or final inspection, in accordance with the approved landscaping plan.
- (4) Lighting and Utilities. Multi-family developments shall adhere to the following standards for on-site utilities:
- (a) Light design and installation shall emphasize low-level, uniform lighting to avoid abrupt changes from bright lights to darkness.
 - (b) Parking lot lighting shall be provided for safety purposes. Parking and security lighting on poles shall not exceed twenty-five (25) feet in height.
 - (c) All exterior lighting shall be of full cutoff design, or shielded and positioned at a ninety-degree (90⁰) angle directly horizontal to the ground and away from adjoining property, so as to prevent unnecessary glare and avoid light pollution. Lighting photometrics and/or a detailed lighting plan and additional information may be required by the Zoning Administrator.
 - (d) All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or

otherwise, shall be concealed by landscaping, parapet walls, screening walls or by decorative screening materials which form an integral part of the design.

- (5) Natural Resources Protection. Multi-family developments shall adhere to the erosion control and stormwater management standards of the City of Platteville and the Wisconsin Department of Natural Resources. Maintenance of any stormwater detention or conveyance features are solely borne by the developer and/or owner unless dedicated to, and accepted by, the City.

22.07 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

(A) PURPOSE AND INTENT:

- (1) Planned Unit Development District regulations are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land which will provide, over a period of time, development of land that promotes the maximum benefit from coordinated site planning, diversified location of structures and mixed compatible uses, while also providing a harmonious variety of housing choices, a higher level of amenities, adequate buffering between adjacent uses, and preservation of the natural qualities of open spaces. The Planned Unit Development procedure requires a high degree of cooperation between the developer and the City. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the City with assurances that the project will retain the character envisioned at the time of approval.
- (2) Planned Unit Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Section. In addition to such potential, Planned Unit Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent undesirable impacts from occurring, all Planned Unit Developments are required to meet certain procedural requirements applicable only to Planned Unit Developments, in addition to the general requirements of this Section. A public hearing process is required to review a request for a Planned Unit Development. This process shall essentially combine the process for a zoning map amendment with the process required for a conditional use, with several additional requirements.
- (3) Planned Unit Developments are designed to forward both the aesthetic and

economic development objectives of the City by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Unit Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than is normally required for other developments.

(B) GENERAL PROVISIONS:

- (1) The Common Council may establish Planned Unit Development Districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses. Adequate buffering and preserving open spaces shall also be provided in a PUD.
 - (a) Permitted Uses: All residential, institutional, business, or manufacturing land uses may be permitted within a PUD.
 - (b) Mixed Uses: A mix of different uses within a PUD District may be permitted if the Common Council determines that the mix of uses is compatible and appropriate to achieve the objectives of the PUD.
 - (c) Number of Buildings on a Lot: The Planned Unit Development District may allow more than one principal structure on a lot.
 - (d) Density, Intensity and Bulk Requirements: The Planned Unit Development District may permit the modification of requirements for density, intensity, and bulk (building height, setback, area, etc.) from what is permitted in the conventional zoning districts.
 - (e) Parking Requirements. Requirements for parking may be waived or modified within a Planned Unit Development.
 - (f) Minimum Area for a Planned Unit Development District: Planned Unit Development Districts are intended to provide flexibility to encourage more creative design for all sizes of sites than would be allowed under conventional zoning. To achieve this goal, there is no minimum parcel or lot size area for a PUD.
- (2) Planned Unit Developments shall be permitted with the approval of a Planned Unit Development Zoning District, specific to the approved PUD.
- (3) Requested modifications from standards in Section 22 relating to land use, density and intensity, bulk (building height, setback, area, etc.), landscaping, and parking and loading requirements shall be made explicit

by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such modifications shall not be permitted.

- (4) Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the Planned Unit Development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in the conventional zoning districts or elsewhere in Section 22.

(C) APPROVAL CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- (1) In recommending approval or conditional approval of a Planned Unit Development (PUD), the Plan Commission shall find that the application meets all of the criteria below or will meet them when the Commission's conditions are complied with. The Common Council shall also find, in granting approval or conditional approval, that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:
 - (a) Quality Design. The PUD represents a more creative approach to the unified planning of development and a higher standard of integrated design and amenities than could be achieved under otherwise applicable zoning district and subdivision regulations, and on this basis, modifications to the use and design standards established by such regulations are warranted.
 - (b) Meets PUD Requirements. The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
 - (c) Consistent with Comprehensive Plan. The PUD is generally consistent with the goals and objectives of the City Comprehensive Plan as viewed in light of any changed conditions since its adoption.
 - (d) Public Welfare. The benefits to the public and the community as a result of the PUD will exceed any significant negative impact on the use and enjoyment of other properties in its vicinity. The PUD will not seriously harm environmental quality in the neighborhood, or impede the orderly development of surrounding property.
 - (e) Natural Features. The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.

- (f) **Circulation and Access.** Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided, and are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.
- (g) **Open Space and Landscaping.** The quality and quantity of public and common open spaces and landscaping provided are consistent with the standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by firefighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.
- (h) **Covenants and Restrictions.** Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, restrictive covenants and/or rules and regulations contained in owners or condominium associations documentation, or the like for:
 - 1. The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body.
 - 2. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future owners.
- (i) **Public Services.** The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, storm water management, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

- (j) Phasing. Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial security guaranteeing the installation of such improvements is phased generally proportionate to the phasing of the number of dwelling units or the amount of non-residential floor area.

(D) QUALITY OF DESIGN

- (1) To be granted the flexibility permitted by this ordinance, a Planned Unit Development must evidence a high quality level of design and amenities. Among the features that may evidence such quality and amenities are:
 - (a) Amount and quality of landscaping or screening.
 - (b) Amount, quality, and interconnectedness of common open space.
 - (c) Provision of pedestrian or bicycle paths separated from streets.
 - (d) Preservation of drainage ways, trees, habitat and other natural features.
 - (e) Provision of common recreational facilities.
 - (f) Enclosed, underground, depressed, or highly landscaped parking areas.
 - (g) Varied building setbacks or other measures to reduce monotony in design.
 - (h) Quality of building materials and architectural design.
 - (i) Incorporation of storm water management Best Management Practices (BMPs).
 - (j) Incorporation of green building, smart growth and other sustainable design principles.
 - (k) Leadership in Energy and Environmental Design (LEED) and/or LEED Neighborhood Design (LEED-ND) certifications and/or other nationally recognized sustainable design criteria and standards.

CHAPTER 22 Zoning

- (l) More efficient and economic arrangement of buildings, pedestrian, bicycle and vehicle circulation and access systems and facilities.
- (m) Provides a buffer or transition between the PUD and adjacent and nearby zoning districts, land uses, and development intensities.
- (n) Provides for a wide-range of housing opportunities.
- (o) Other features as determined by the Plan Commission or Common Council.

(E) APPLICATION AND PROCEDURAL REQUIREMENTS:

- (1) Pre-Application Conference: The Applicant shall contact the Community Planning & Development Director to place an informal discussion item for a Planned Unit Development on the Plan Commission agenda. At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential Planned Unit Development. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
- (2) Concept Plan:
 - (a) The Applicant shall provide the Community Planning & Development Director with a draft Planned Unit Development Concept Plan for a determination of completeness prior to placing the proposed Planned Unit Development on the Plan Commission agenda for Concept Plan review. This submittal shall contain all of the following items, prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for Concept Plan review:
 - 1. A location map of the subject property and its vicinity within a radius of 200 feet.
 - 2. A general written description of the proposed Planned Unit Development including:
 - (a) The general mix of dwelling unit types and/or land uses,

- (b) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
 - (c) The general treatment of natural features,
 - (d) The general relationship to nearby properties and public streets,
 - (e) The general relationship of the project to the Comprehensive Plan,
 - (f) An initial draft list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which the standards are not met, and a complete list of zoning standards which will be exceeded, and or benefits provided by, the proposed Planned Unit Development. The conventional zoning district(s) that are most applicable to the proposed development shall be used for comparison. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
3. A written description of all modifications requested to the requirements of the conventional zoning districts, in the following order:
- (a) Land Use Modifications.
 - (b) Density and Intensity Modifications.
 - (c) Bulk Modifications.
 - (d) Landscaping Modifications.
 - (e) Parking and Loading Requirement Modifications.
4. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.

- (b) Within ten (10) working days of receiving the draft Planned Unit Development Concept Plan, the Community Planning & Development Director shall determine whether the submittal is complete. Once the Community Planning & Development Director has received a complete submittal, the proposed Planned Unit Development Concept Plan shall be placed on the next available Plan Commission agenda.
 - (c) The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting.
 - (d) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual Planned Unit Development. Appropriate topics for discussion may include the information provided in the Concept Plan submittal, or other items as determined by the Plan Commission.
 - (e) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the General Development Plan application.
- (3) General Development Plan (GDP): The Applicant shall provide the Community Planning & Development Director with a draft GDP packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. The submittal packet shall include an application fee in the amount as established from time to time by resolution of the Common Council, and shall contain all of the following items prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for GDP review:
- (a) A location map of the subject property and its vicinity within 200 feet.
 - (b) A map of the subject property showing all the lands included in the proposed Planned Unit Development. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) A site map showing existing topography and significant vegetation.

- (d) A general written description of the proposed Planned Unit Development including:
1. The general mix of dwelling unit types and/or land uses,
 2. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio,
 3. The general treatment of natural features,
 4. The general relationship to nearby properties and public streets,
 5. The general relationship of the project to the Comprehensive Plan,
 6. A Statement of Rationale as to why Planned Unit Development zoning is proposed. This shall identify barriers that the Applicant perceives in complying with the requirements of conventional zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.
 7. A complete list of zoning standards which will not be met by the proposed Planned Unit Development and the location(s) in which they apply, and a complete list of zoning standards which will be met or exceeded, and benefits provided, by the proposed Planned Unit Development. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
 8. A written description of all requested modifications to the requirements of the conventional zoning district, in the following order:
 - (a) Land Use Modifications.
 - (b) Density and Intensity Modifications.
 - (c) Bulk Modifications.

- (d) Landscaping Modifications.
- (e) Parking and Loading Requirement Modifications.
- (e) A General Development Plan drawing at a minimum scale of 1" = 100" (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - 1. A conceptual plan drawing (11" x 17") of the general land use layout and the general location of public streets and/or private drives, and sidewalks. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction;
 - 2. Location of recreational and open space areas and facilities, and specifically describing those areas that are to be dedicated for public use;
 - 3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council;
 - 4. Notations relating the written information provided to specific areas on the GDP Drawing; and
 - 5. Conceptual grading plan showing general site drainage, the location of on-site storm water management facilities and any modification of the existing topography.
- (f) A general conceptual landscaping plan for the subject property, noting app noting approximate locations of foundation, street, yard and paving landscaping, and compliance with all landscaping requirements of Chapter 22 (except as noted in the listing of modifications) and, where applicable, the use of extra landscaping and buffer yards.
- (g) A general signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
- (h) Written justification for the proposed Planned Unit Development.

(The Applicant is advised to use the requirements of the conditional use procedure to develop the written justification.)

- (i) The Plan Commission shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD. Following the public hearing, the Plan Commission shall vote to recommend to the Common Council that the PUD be approved as presented, modified, or denied.
 - (j) The Common Council shall hold a public hearing concerning the proposed PUD-GDP designation after publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and brief description of the PUD.
 - (k) Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the approval of the proposed PUD. After approval, the PUD boundaries shall be shown on the Zoning Map.
- (4) Specific Implementation Plan: After the effective date of the rezoning to PUD/GDP, the Applicant shall file an application for a Specific Implementation Plan (SIP) with the Plan Commission. This submittal shall include an application fee in the amount as established from time to time by a resolution of the Common Council, and shall contain all of the following items, prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for SIP review:
- (a) A location map of the subject property and its vicinity within 200 feet.
 - (b) A map of the subject property showing the lands included in the PUD. Said map shall clearly indicate the current zoning of the subject property and the property located within 200 feet. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equaling 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) A detailed written description of the proposed SIP including:
 - (1) The specific mix of dwelling unit types and/or land uses.
 - (2) Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.

- (3) The specific treatment of natural features.
 - (4) The specific relationship to nearby properties and public streets.
 - (5) A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in complying with the requirements of standard zoning districts and benefits to the community the Applicant suggests are available through the proposed Planned Unit Development zoning.
 - (6) A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply, and a complete list of zoning standards which will be exceeded and benefits provided by the proposed PUD. The essential purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- (d) A Specific Implementation Plan drawing at a minimum scale of 1" = 100" (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to demonstrate the project satisfies the approval criteria for planned unit developments:
- (1) A SIP site plan conforming to any and all the requirements of the PUD/GDP;
 - (2) Location of recreational and open space areas and facilities and specifically describing those areas that are to be dedicated for public use;
 - (3) Statistical data on minimum lot sizes in the development, the precise areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
 - (4) Notations relating the written information provided above to specific areas on the SIP Drawing.

- (e) A landscaping plan for the subject property, specifying the locations, species and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and location (foundation, street, yard, paved area or buffer yard) of all trees and shrubs.
- (f) Engineering plan showing existing and proposed topography with contours at intervals not exceeding 2 ft, proposed drainage patterns, site grading plan, sanitary sewer system, storm sewer system, and water supply system (including fire hydrants).
- (g) A series of building elevations for the exterior of all buildings in the Planned Unit Development, including detailed notes as to the materials and colors proposed.
- (h) A signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles). The plan shall identify which lights are proposed to vary from City standards or common practices and the plan shall identify which zoning district(s) sign regulations shall apply to the project.
- (i) An outline of the intended organizational structure for a property owners or condominium association, if any; deed restrictions, restrictive covenants and/or rules or regulations contained in owners or condominium associations documentation and provisions for private provision of common services, if any.
- (j) A written description which demonstrates the proposed SIP complies in all respects with the approved GDP.
- (k) Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed SIP development.
- (l) The area included in a SIP may be only a portion of the area included in a previously approved GDP.
- (m) The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
- (n) The Plan Commission shall review and consider the SIP and forward its recommendation to the Council. The Common Council shall vote to approve as presented, approve with conditions or deny the PUD-

SIP.

- (5) Combining Steps. An applicant may request approval to combine the Pre-Application Conference and Concept Plan steps together. The Community Planning & Development Director shall determine if that request is appropriate based on the complexity and nature of the proposed development. If approved, all of the required application materials and the public notice requirements for both of the combined steps shall be provided. An applicant may also request approval from the Plan Commission to combine the GDP and SIP steps together. If this request is approved by the Plan Commission, all of the required application materials, and all of the public notice requirements for both of the combined steps shall be provided.

(F) CONDITIONS AND RESTRICTIONS:

- (1) The developer shall enter into a development agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific Planned Unit Development, and to assure the construction of all facilities and infrastructure associated with the project.
- (2) No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a development agreement has been approved and executed and financial security has been provided. For staged development, such development agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.
- (3) The Common Council may revoke an approved PUD if the project has not commenced within five (5) years. In the event the PUD is revoked, the zoning of the property shall revert to the zoning district in place prior to approval of the PUD.
- (4) The Common Council may revoke portions of an approved PUD-SIP that are not fully developed within ten (10) years of final Common Council approval. If the PUD is revoked, the Common Council may rezone the property to a different zoning district, or may consider an application for a new PUD-GDP.
- (5) Pursuant to Wisconsin Statutes Section 349.03, approval of the PUD shall constitute an agreement permitting the City to enforce traffic regulations under Chapter 346 Wisconsin Statutes or local ordinances in conformity with such regulations on any private streets and driveways located within the PUD. The City shall also have the right to access the PUD for the purposes of snow removal, weed cutting and trash disposal. If the City performs such services, the City shall have the right to impose a special charge against the property for the costs of these services, pursuant to Wisconsin Statutes Section 66.0627.

(G) CHANGES OR REVISIONS:

- (1) All proposed changes, revisions, and additions to any aspect of an approved Planned Unit Development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine whether the change, revision or addition is minor or if the change is substantial. A minor change would include small modifications to the approved SIP. A substantial change would include major modifications to the SIP, or modifications to the GDP, because the change materially affects the intended design of the project and the impact of the project on neighboring uses. Based on the significance of the revision, the Plan Commission shall also determine what public hearings may be needed to review the change.
- (2) If the change is determined to be a minor adjustment to the SIP, the Plan Commission shall review the request and may approve the change without a public hearing. The recommendation of the Plan Commission shall then be forwarded to the Common Council for final action. The Common Council may also consider the change without a public hearing.
- (3) If the requested change is determined by the Plan Commission to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review the proposed change. The City shall give written notice to all property owners within 500 feet of the subject property prior to the Plan Commission meeting at which action shall be taken. The recommendation and findings of the Plan Commission shall be forwarded to the Common Council. A substantial change may also require that the Common Council hold a public hearing before taking final action on the amendment.
- (4) If the Common Council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any development agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

22.08 MOBILE HOME PARKS

- (A) STATUTES APPLY. The provisions of Section 66.058 of the Wisconsin Statutes and HSS 177 of the Wisconsin Administrative Code, and the definitions therein are hereby adopted by reference. To insure uniformity between City of Platteville ordinances and State of Wisconsin regulations, any future amendments, revisions or modifications of the statutes and Wisconsin Administrative Codes incorporated herein are hereby made a part of this chapter.
- (B) LOCATION OUTSIDE MOBILE HOME PARK

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- (1) It is hereby declared to be the policy of the City of Platteville, that no mobile home shall hereinafter be placed outside of a mobile home park within the City of Platteville.
 - (a) Temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations for that street, alley or highway. In case of emergency or breakdown such parking or stopping shall be permitted for not more than 4 hours.
- (2) Existing mobile homes outside of a mobile home park shall be classified as existing nonconforming uses and subject to the provisions of Chapter 22 and other applicable chapters of the Municipal Code of the City of Platteville.

(C) PERMITS, LICENSE AND FEES

- (1) Parking Permit Fee – There is hereby imposed on each mobile home located in the City of Platteville, a monthly parking fee as determined in accordance with Section 66.058, Wisconsin Statutes. Said fees shall be paid to the City Treasurer on or before the 15th day of the month for which such fees are due.
- (2) Mobile Home Park License – It shall be unlawful for any person to operate upon property owned or controlled by him within the City of Platteville a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by a fee for each space in the existing or proposed park. The fee shall be in the amount as established from time to time by resolution of the Common Council. The annual license shall expire yearly on June 30th.
 - (a) It shall be the full responsibility of the mobile home park licensee to collect the parking permit fee as described in 22.08(C)(1), from each mobile home owner. Said fees shall be paid to the City Treasurer on or before the 15th day of the month for which such fees are due.
- (3) Revocation of Licenses and Permits – The Common Council is hereby authorized to revoke any license or permit issued pursuant to this chapter for violation of any provision of this chapter or any other health or police regulation of the City or the state.
- (4) All license or permit fees not paid shall be extended upon the tax roll as a delinquent tax against the parcel where such park, camp or home is or was situated at the time when such liability was incurred. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such delinquent license or permit fee.

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(D) **MANAGEMENT OF MOBILE HOME PARKS.** In addition to the duties of the mobile home park operator or manager as described in HSS 177 of the Wisconsin Administrative Code the following shall apply:

- (1) Each mobile home shall be numbered and said numbering shall correspond with Lot # of park plan. All numbering shall be easily visible from the street.
- (2) Furnish information to the City Clerk and City Assessor on mobile homes added to the park within 5 days of their arrival, on forms furnished by the Assessor.

(E) **APPLICABILITY OF PLUMBING, HVAC, ELECTRICAL AND BUILDING REGULATIONS.** All plumbing, HVAC, electrical, building and other work on or at any licensed mobile home park, or at or within any mobile home within or outside of a mobile home park, shall be in accordance with this code and the requirements of the Building Codes as designated in Chapter 23 of the Municipal Code and the regulations of the State Board of Health.

(F) **MOBILE HOME PARKS**

(1) **GENERAL PROVISIONS**

- (a) A mobile home park may be established as a Conditional Use within the R-3 District. A mobile home park shall contain a minimum of ten mobile home spaces and no mobile home shall hereinafter be placed outside of a mobile home park within the City of Platteville.

When submitting an application for a Conditional Use Permit, the applicant shall concurrently submit preliminary park plans which clearly show or provide the following items of information:

- a. Unit density.
- b. Lot layout and areas.
- c. Setback lines.
- d. Location of recreation areas.
- e. Location and extent of related non-residential uses (laundromat, shelter, etc.).
- f. Location of park sign.
- g. Traffic, parking and access plans.

- h. Sidewalk layout.
 - i. Utility improvements, including lighting.
- (b) Construction, alteration, or extension of a mobile home park shall be subject to the issuance of a permit as set forth in Chapter 23 of the Municipal Code.
 - (c) Operation of a mobile home park shall be subject to the issuance of a license as set forth in this chapter and compliance with the provisions set forth in Wisconsin Statutes and Wisconsin Administrative Codes.
 - (d) Any newly-placed mobile home in an existing mobile home park, any mobile home placed in a new mobile home park, or any improvement to an existing mobile home exceeding 50% of the assessed value shall conform to applicable sections of Chapter 26, Flood Plain Zoning.
 - (e) All mobile home parks established in the City shall comply with the requirements set forth hereunder.

(2) ENVIRONMENTAL REQUIREMENTS

- (a) Density: The maximum allowable density in a mobile home park development shall be eight units or lots per acre.
- (b) Minimum lot size: Individual lots within a mobile home park must contain an area of not less than four thousand square feet.
- (c) Required separation between mobile homes: Mobile homes shall be separated from each other and from other buildings or structures by at least 20 feet. Structural attachments to mobile homes, such as porches, storage sheds, and the like, are considered part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original mobile home park plan and shall not be closer than 5' to the principal structure of any lot line.
- (d) Setbacks: Each mobile home shall be located a minimum of ten feet from any mobile home lot line. There shall be a minimum distance of twenty feet between the mobile home stand and abutting park street right of way. All mobile homes shall be located at least fifteen feet from any park boundary except where the adjoining property is also a mobile home park.
- (e) Recreation areas: In all mobile home parks there shall be one or more recreation areas which are accessible to park residents. The size of such recreation areas shall be based on a minimum of two hundred

square feet for each lot. No such outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.

- (f) Allowable uses: Only single family mobile homes and any approved accessory structures included in the original plans and specifications and revisions thereof are allowed in mobile home parks. Mobile homes without plumbing are prohibited.

Parks, playgrounds, open space and the following commercial uses are allowed when they are for the exclusive use of park residents: Mobile home park office; Laundromat; Clubhouse and facilities for private, social or recreation clubs.

- (g) Signs: Signs which pertain to the lease, sale, or hire of individual mobile homes, not more than four square feet in area, shall be allowed, as well as one non-illuminated mobile home park identification sign not more than fifty square feet in area and located in proximity to the mobile home park entrance.

(3) ACCESS REQUIREMENTS

- (a) Street access in all mobile home parks: Safe and convenient access shall be provided by means of streets or roads, except that in those mobile home parks in which grouping or clustering of parking spaces or other such design features are employed in the layout, direct access need not be provided to every lot. However, in all cases direct access adequate for fire protection and other emergency vehicles shall be provided.
- (b) Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (c) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

Roadway width, all streets 25 feet
 Right-of-way width 40 feet

Dead end streets, including cul-de-sacs, shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 85 feet.

- (4) **STREET CONSTRUCTION AND DESIGN STANDARDS.** All street construction and design in mobile home parks shall be approved by the Director of Public Works.
- (5) **PARKING REQUIREMENTS**
 - (a) **Occupant Parking:** A minimum of two parking spaces shall be provided for each mobile home lot. Such spaces shall be located within 150 feet of the mobile home lot to be served.
 - (b) **Parking Space:** Each parking space shall contain a minimum of 180 square feet. The space shall be paved with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions.
 - (c) **Use of Right-of-Way for Parking:** In no instance shall the required street pavement width be used for parking purposes. The remaining right-of-way on either side of the street pavement may be used for parking purposes.
 - (d) **Parking Restrictions:** Parking of boats, trailers, campers, snowmobiles or other motorized vehicles shall be restricted to an area or areas provided by the park management specifically for said purpose and in the event no such area as provided by park management, such boats, trailers and campermobiles shall not be parked in a mobile home park.
- (6) **WALKWAYS.** All parks shall be provided with safe, convenient, all-season pedestrian access, the design and construction of which shall be subject to the approval of the Director of Public Works.
 - (a) **Common Walk System:** A common walk system shall be provided and maintained where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two and one-half feet.
 - (b) **Individual Walks:** All mobile home stands shall be connected to common walks or to a paved street or roadway by individual walks. Such individual walks shall have a minimum width of two feet.
- (7) **MOBILE HOME STANDS.** The dimensions of every mobile home stand shall not be less than 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
 - (a) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete “dead men” eyelets embedded in

concrete foundations or runway sewer augers, arrowhead anchors, or other devices securing the stability of the mobile home.

- (b) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile load of 2,800 pounds. Where located in a flood hazard area, newly-placed mobile homes shall be anchored as follows:

Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes less than fifty feet long shall require only one additional tie per side.

Frame ties shall be provided at each corner of the mobile home with 5 additional ties per side at intermediate points. Mobile homes less than fifty feet long shall require only four additional ties per side.

All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

Any additions to the mobile home shall be similarly anchored. The placement of all new mobile homes in addition to the standards listed above, must also meet the residential development standards in the floodfringe as found in applicable sections of Chapter 26, Flood Plain Zoning.

- (c) Mobile home park developments shall comply with Chapter 26, Flood Plain Zoning, of this code where applicable.

- (8) **STREET AND PUBLIC WALKWAY ILLUMINATION REQUIREMENTS.** All parks shall be lighted as determined by the Plan Commission.

- (9) **EXISTING MOBILE HOME PARKS.** The lawful nonconforming use or layout of a mobile home park existing at the time of the adoption or amendment of this ordinance may be continued even though the use or layout does not conform with the provisions of this ordinance. However, only that portion of the land in actual use may be so continued and the park may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

Owners and operators of all existing mobile home parks and subdivisions located in the regional floodplain shall file an evacuation plan with the building inspector indicating alternate vehicular access and escape routes, including mobile home hauler routes, with the appropriate local disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

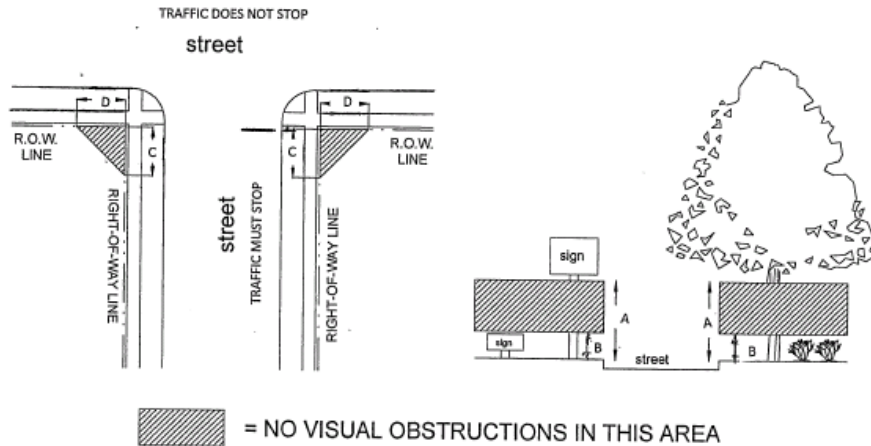
22.09 TRAFFIC, PARKING AND ACCESS

(A) **VISION CLEARANCE AT INTERSECTIONS.** To provide clear vision for motorists at intersections, there shall be a vision clearance area required on properties adjacent to certain intersections of streets with other streets and public alleys in accordance with the following requirements:

- 1) In the vision clearance area, no buildings, fences, structures or landscaping shall be permitted that will block vision between the heights of 2 ½ feet and 10 feet above the plane through the mean curb-grades within the triangular space as defined in Paragraph 3 below.
- 2) Allowable installations in the vision clearance area include public utility poles and supports, other utility structures, official traffic signs and signals, mail boxes, sign poles or columns that do not exceed a diameter of 18 inches, and trees that have branches no lower than 10 feet above grade, and where the trunk doesn't exceed 18 inches in diameter.
- 3) The size of the required vision clearance area shall be determined by the characteristics of the street intersection based on the following standards:
 - (a) Except as provided below, properties adjacent to intersections shall have a vision clearance area defined as a triangle whose two legs are measured along the right-of-way lines of the adjoining or intersecting streets or alleys. The length of these legs shall be measured in the direction away from the intersection as follows: (see Plate 1)
 1. Fifteen (15) feet from the intersection of the rights-of-way along the right-of-way of a street or alley on which traffic must stop or yield.
 2. The distance along the right-of-way of a street or alley on which traffic does not stop or yield shall depend on the posted speed limit for that street as follows: twenty five (25) feet for streets with a 25 mph or less speed limit, or where there is no posted speed limit; thirty five (35) feet for streets with a thirty (30) or thirty five (35) mph speed limit; fifty (50) feet for streets with a forty (40) mph or higher speed limit.
 3. The third leg of such triangle shall be the connection of the two previously described lines.

- (b) Properties adjacent to intersections that have four-way stop signs or traffic signals are exempt from the vision clearance requirements.
- (c) Properties located within the area regulated by the Downtown Design Standards, as provided in Section 22-063 of this code, may have different vision clearance requirements, as approved by the Design Review Committee.

Plate 1



DIMENSIONS:

- A: 10 feet
- B: 2.5 feet
- C: 15 feet

<u>Distance</u>	<u>Speed Limit</u>
D: 25 feet	25 mph or less
35 feet	30 – 35 mph
50 feet	40+ mph

- (B) **LOADING REQUIREMENTS.** In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (C) **GENERAL PARKING REQUIREMENTS.** In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:
 - (1) Adequate access to an improved public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of sixteen (16) feet wide for all other uses.

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- (2) Except for one- and two-family dwellings, all parking spaces shall be designed so that each space can be safely accessed without moving any other vehicle.
- (3) Dimensions.
 - (a) Parking spaces: The size of each parking space shall be nine (9) feet wide by eighteen (18) feet deep, except parallel parking spaces which shall be nine (9) feet by twenty two (22) feet.
 - (b) Aisles: Traffic aisles which provide direct access to parking spaces shall be dimensioned as follows:

<u>Angle of Spaces</u>	<u>Aisle Width</u>
90°	24 feet
60°	18 feet
45°	13 feet
30°	12 feet
Parallel	15 feet (1-way); 24 feet (2-way)

All two-way traffic aisles shall be a minimum of twenty four (24) feet wide. One-way traffic aisles, when not providing direct access to parking spaces, shall be a minimum of fifteen (15) feet wide. See Plate 2 for illustrations.

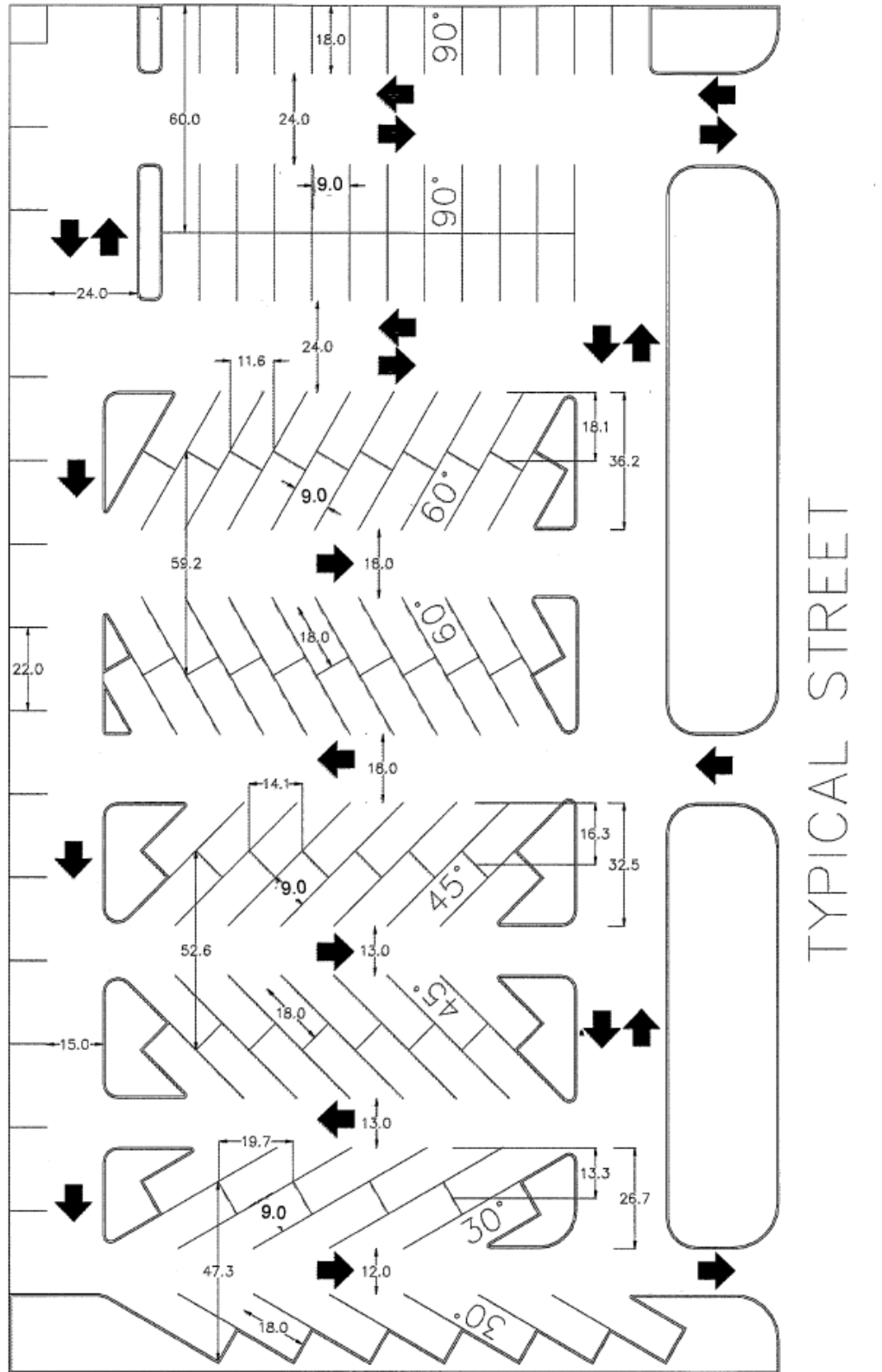


Plate 2

FOR ILLUSTRATIVE PURPOSES ONLY. See text for requirements

- (c) Handicapped-Accessible spaces. When required, handicapped-accessible parking spaces and accesses shall be dimensioned in accordance with the Wisconsin Administrative Code, as amended.
- (4) Surfacing.
 - (a) All off-street parking areas and driveways shall have an improved surface consisting of a hard surface of bituminous paving over a base course, Portland cement concrete, seal coating, or a brick, paver or block design laid over a base with adequate load bearing capacity.
 - (b) A reasonable time shall be allowed for compaction of new parking lots constructed on fill, but not to exceed six (6) months.
 - (c) All off-street parking areas shall be graded and surfaced with a hard surface, properly drained. Such properties with parking area(s) for five (5) or more vehicles shall have aisles and spaces clearly marked. Hard surfaced parking areas shall be maintained to remain dust free and generally smooth, and parking space and aisle markings shall be maintained to be clearly discernible.
- (5) Landscaping. A headlight screen, with an initial height adequate to screen automobile headlights, shall be required for properties and uses in non-residential districts, under the following circumstances:
 - (a) Whenever a parking space which is angled 45 degrees or greater is located within 20 feet of a right-of-way line and is across the right-of-way from any residential use, a headlight screen of dense shrubbery or similar landscape screening shall be planted between said parking spaces and the right-of-way line.
 - (b) Whenever a parking space which is angled 45 degrees or greater is located within 10 feet of a lot line which is adjacent to a one- or two-family principal structure, provided that said principal structure is within 50 feet of the parking space and that the structure is in direct line of the headlights of a vehicle parked within the space, a headlight screen consisting of a fence, a hedge, or similar screening shall be located between the parking spaces and the property line.
- (6) Whenever a parking area is adjacent to or near a property line, curbs, landscaping, or other barriers shall be installed so as to prevent parked vehicles from extending over any lot line.
- (7) Joint Use. The Zoning Administrator may approve joint use of parking facilities for two or more uses or activities only under the following conditions:

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- (a) The uses utilizing the parking facility must operate at different times of the day, so that there is no conflict in the use of the parking area.
 - (b) The main entrance of any use which utilizes the parking facility may be no more than 300 feet from the nearest driveway of the parking facility.
 - (c) All parties to the joint use, including the owner(s) of the parking facility, must sign an agreement which allows for the joint use and outlines the hours of operation of the various uses of the facility, subject to review and approval by the Zoning Administrator.
 - (d) The Zoning Administrator and the City Engineer must find that the joint use will not result in any increased congestion in the public streets and will not otherwise violate the intent of this Section.
- (8) Zoning of Parking Areas. Except for parking areas allowed as a Specified Use in the B-2 District, as a Conditional Use in other designated districts, and approved joint use parking areas, all parking areas shall be in the same or less restrictive zoning district as the use that the parking area serves.
- (D) DRIVEWAYS
- (1) Openings for vehicular ingress and egress shall not exceed twenty four (24) feet at the property line and thirty (30) feet at the roadway unless prior approval is granted by the Department of Public Works.
- (E) LOCATION OF PARKING AREAS; USE OF YARDS
- (1) Except for approved joint use parking areas, the location of required parking spaces shall be on the same lot or contiguous parcel of land as the specified use.
 - (2) No parking stall or driveway, except in residential districts, shall be closer than twenty five (25) feet to a residential district lot line unless it has been approved by the Zoning Administrator or Plan Commission. Natural topographic barriers, privacy fencing, shrubbery or similar devices may be utilized to waive or vary these requirements.
 - (3) Except for one- and two-family dwellings, parking areas may be located on any required yard, subject to buffer and setback requirements as enumerated elsewhere in this Section. All vehicles must be parked on an improved surface as described above. Except as provided below, no vehicles of any kind may be parked on lawns or landscaped areas.

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- (4) For one- and two-family dwellings, yard setback areas as required by this Ordinance may be used for parking, subject to the following requirements:
 - (a) No more than twenty five percent (25%) of the area of the street yard may be used for parking; however, a driveway of up to twenty (20) feet wide is permitted regardless of street yard area. The Zoning Administrator may waive or vary this requirement for unique situations, such as extra wide lots, location of existing landscaping features, location of existing curb cuts, or spacing of drives as required by the City Engineer.
 - (b) Vehicles may only be parked on an improved parking surface as described above. Parking on lawn areas is prohibited; however, short term parking for the purpose of moving into a home, etc., is permitted for a period not to exceed 48 hours. Notwithstanding the above, recreational vehicles, boats, campers/trailers and similar vehicles which are parked for long-term seasonal storage may be parked on lawn areas, provided that such storage is in the rear yard or side yards only.
- (F) **HANDICAPPED-ACCESSIBLE PARKING SPACES.** In addition to the required number of parking spaces enumerated below, handicapped accessible parking spaces must be provided in accordance with the Wisconsin Administrative Code, as amended.
 - (1) For parking lots of 20 spaces or less, the number of required handicapped-accessible parking spaces are in addition to the number of spaces required below and may not be counted in the total number of spaces required for a use.
 - (2) For parking lots of over 20 spaces, the required handicapped-accessible spaces may be counted in the total number of spaces required for a use.
- (G) **NUMBER OF PARKING SPACES REQUIRED**
 - (1) Whenever “floor area” is used for the purpose of determining the number of parking spaces required for a use, only those areas within a use which generate parking demand need be counted as “floor area”. Stairwells, mechanical rooms, unfinished attic and basement areas, closets, etc., are generally not counted as floor area for this purpose.
 - (2) Whenever determination of required parking spaces is dependent on occupancy, such as the number of employees, etc., the number used shall be based on the period of maximum occupancy.

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- (3) When calculating the required number of spaces, any fractional result of 0.25 or more shall be rounded up to the next whole number.
- (4) Each use, except as described otherwise in Section H, shall provide parking spaces in accordance with the following schedule:
 - (a) Automobile repair garages, service garages, and gas stations – One (1) space for each 300 square feet of floor area.
 - (b) Bowling alleys – Four (4) spaces for each alley.
 - (c) Churches, auditoriums and theaters used for live performances, community centers, and other places of public assembly – One (1) space for each five (5) seats.
 - (d) Cinemas and movie theaters – One (1) space for each six (6) seats.
 - (e) Colleges, secondary and elementary schools – One (1) space for each two (2) employees plus one (1) space for each four (4) students of 16 years of age or more.
 - (f) Financial institutions; business, government, and professional offices – One (1) space for each 400 square feet of floor area.
 - (g) Funeral homes – Twenty (20) spaces for each viewing room.
 - (h) Hospitals, sanitariums, institutions, rest and nursing homes – One (1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.
 - (i) Hotels, motels – 1.25 stalls for each guest room.
 - (j) Manufacturing and processing plants (including meat and food processing plants), laboratories and warehouses – One (1) space for each 2,000 square feet of principal building area or one (1) space for each two (2) employees on maximum shift, whichever is greater.
 - (k) Medical and dental clinics – One (1) space for each 300 square feet of floor area.
 - (l) Motor vehicle sales (new and used) – One (1) space for each 800 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed.
 - (m) Two-family and Multi-family dwellings:

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- a. Efficiency units – One (1) space per unit.
- b. One-bedroom units – One (1) space per unit.
- c. Two or more bedroom units – 0.75 spaces per bedroom, per unit.
- (n) Repair shops – One (1) space for each 300 square feet of floor area.
- (o) Retail and service stores – One (1) space for each 300 square feet of floor area.
- (p) Restaurants, bars, places of entertainment – One (1) space for each 200 square feet of floor area plus one (1) space for each two (2) employees.
- (q) Retirement homes, elderly housing, congregate housing, orphanages, convents, and monasteries – One (1) space per 1,000 feet of principal floor area.
- (r) Rooming and boarding houses, fraternity and sorority houses, and rectories – One (1) space for each of seventy five percent (75%) of the number of beds contained therein.
- (s) Single-family homes – Two (2) spaces.
- (t) Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (u) Combinations of any of the above uses shall provide the total of the number of stalls required for each use.

(H) DOWNTOWN PARKING

- (1) The following requirements shall apply to parking in the B-2 Central Business District.
 - (a) Except as provided below, parking stalls are not required to be provided for uses in existing buildings in the B-2 Central Business District, but when they are provided they shall conform to the requirements of size, access, surfacing and barriers, but not number of stalls as specified above.
 - (b) Uses in new buildings, additions to existing buildings, and reconstruction of buildings that increases the square footage of the building area on the property shall provide parking spaces only for the increased floor area at

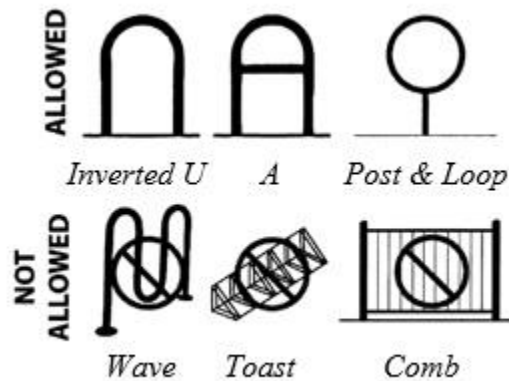
seventy five percent (75%) of the amount as enumerated in Section 22.09(G).

- (c) Whenever the interior remodeling or renovation of existing buildings adds additional dwelling units, parking spaces shall be provided for these new units at seventy five percent (75%) of the amount as enumerated in Section 22.09(G).
- (2) The following requirements shall apply to parking in the CBT Central Business Transition District.
 - (a) Uses on all properties within the CBT District shall provide seventy five percent (75%) of the required number of spaces as enumerated in Section 22.09(G).
 - (3) The parking spaces as required in sections (1) and (2) above may be provided off-site, if the following requirements are met:
 - (a) Parking spaces shall be located not more than one thousand three hundred twenty feet (1,320') from the property line of the use being served.
 - (b) The availability of the off-site parking spaces shall be evidenced by a written agreement between the owner of the land on which the parking is located, and the owner of the use that requires the parking. This written agreement shall be in the form of a lease, contract, easement or similar instrument, and shall be for a minimum duration of one year. The written agreement shall be recorded with the Grant County Register of Deeds and a copy provided to the City.
 - (c) If the owner of a building or use no longer has the right to maintain or use off-site parking spaces on a separate parcel, the owner of a building or use shall accommodate all required off-street parking spaces on the site of the building or use, obtain a variance, or obtain a new off-site parking agreement in accordance with this chapter. If the owner is unable to accommodate the off-street parking spaces, is unable to obtain a variance, or is unable to arrange a new off-site parking agreement, then the owner of a building or use shall pay a per parking space fee to the City as provided in Section (4) below.
 - (4) In lieu of providing the parking spaces as required in sections (1) and (2) above, a per parking space fee may be paid to the City, in an amount as established from time to time by the Common Council. The fee shall be paid at the time the building permit is issued for the project that results in the need for parking, or at the time an off-site parking agreement expires. Said fee shall be used by the City to provide parking improvements in the downtown area.

(I) BICYCLE PARKING REQUIREMENTS. In all districts and in connection with every use, except single-family residential, there shall be provided, at the time any building is erected, enlarged, extended or increased, off-street parking spaces for bicycles in accordance with the following:

(1) Design Criteria and Dimensions

- (a) Bicycle parking requirements can be fulfilled by lockers, racks, or equivalent structures in or upon which the bicycle may be locked by the user.
- (b) Bicycle racks shall accommodate locking of the bicycle frame and at least one wheel with u-locks.
- (c) Bicycle racks shall support a bicycle upright by its frame at two points of contact to prevent bicycles from pivoting or falling over. Common examples of bicycle racks meeting this criterion include the Inverted “U”, “A”, and Post and Loop Racks.



- (d) Bicycle parking shall be provided on an improved hard surface and securely anchored to a supporting surface. Installation of bicycle racks shall also conform to the requirements set forth by the bicycle rack manufacturer.
- (e) Bicycle racks shall be installed with adequate space beside the parked bicycle so that a bicyclist will be able to reach and operate their locking mechanism.
- (f) Required bicycle spaces shall be at least three (3) feet by six (6) feet, with a vertical clearance of at least six (6) feet.

(2) Location

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- (a) Bicycle parking shall be located on the same lot as the building or use served, except for shared parking as provided in this section.
 - (b) Bicycle racks shall be located such that they are visible from the street and/or main building entrance with lighting that is a minimum of one foot candle per square foot at ground surface.
 - (c) Bicycle racks intended for the sole use of employees or tenants of a property can be located inside of a parking garage, building or near an employee or tenant entrance.
 - (d) Bicycle parking shall be located in designated areas, which minimize pedestrian and vehicular conflicts.
 - (e) Bicycle parking located within an automobile parking area shall be clearly designated and located as close to a building entrance as possible.
- (3) Shared Bicycle Parking Facilities
- (a) Bicycle parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing the number of spaces required in relation to the use served.
 - (b) Such facilities shall be located on one of the lots on which a use served is located; provided, that such facilities are also located not more than three-hundred (300) feet walking distance from all of the buildings, structures, or uses of land which such bicycle rack facilities are intended to serve.
- (4) Number of Spaces
- (a) No bicycle spaces are required for single-family uses.
 - (b) For multi-family uses, the number of bicycle parking spaces provided shall be twenty five percent (25%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 22.09(G).
 - (c) For all uses other than single-family and multi-family, the number of bicycle parking spaces provided shall be ten percent (10%) of the total number of parking spaces required for automobile parking for a building or use as enumerated in Section 22.09(G).

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- (d) After the first twenty five (25) bicycle parking spaces are provided, additional bicycle parking spaces required are one half (0.5) the normal amount.

(J) HIGHWAY ACCESS

- (1) No direct private access shall be permitted to the existing or proposed rights-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (2) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (a) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (b) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
 - (c) Streets intersecting or interchanging with a controlled access highway within 1,500 feet of the most remote end of the taper of the turning lanes of the intersection or interchange.
 - (d) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
 - (e) Temporary access to the above rights-of-ways may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

(K) FRONTAGE STREETS

- (1) Frontage Streets, where required, shall provide access to abutting properties and protection for vehicles from fast or heavy traffic on highways or arterial streets. The right-of-way for frontage streets shall be adjacent, parallel and directly abutting the right-of-way of the principal highway or street.

22.10 MODIFICATIONS AND EXCEPTIONS.

- (A) HEIGHT. The district height limitations set forth in this ordinance may be exceeded, but such modifications shall be in accordance with the following:

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- (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flag poles, elevator penthouses, roof-top mechanical equipment, flues and chimneys shall be exempt from the height limitations, provided however, that such projections shall not have a total area greater than twenty five percent (25%) of the roof area of the building, and shall not be used as habitable space.
 - (2) Special structures, such as gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, flag poles, silos and smoke stacks are exempt from the height limitations of this ordinance, provided that such structures shall not occupy more than twenty five percent (25%) of the total area of the lot, and provided that the structures meet the minimum setbacks for principal structures for the district in which they are located.
 - (3) Essential services, utilities, water towers, electric power and communications transmission lines are exempt from the height limitations of this ordinance.
 - (4) Communication structures, such as radio and television transmission and relay towers and aerials shall not exceed in height three (3) times their distance from the nearest lot line.
 - (5) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of fifty (50) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district in which it is located, the required yards shall be increased by a foot more than the standard yards of the district in which it is located.
- (B) YARDS. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
- (1) Uncovered decks, porches, stairs, landings, fire escapes and like structures may project into any required yard, not to exceed ten (10) feet of projection and not closer than fifteen (15) feet to any street or rear lot line, and not closer than five (5) feet to any side lot line.
 - (2) Uncovered handicap access ramps shall be exempt from the yard requirements.
 - (3) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.

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- (4) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- (5) Landscaping, vegetation, mail boxes, light fixtures and flag poles are exempt from the yard requirements of this ordinance, except as restricted in 22.09(A).
- (6) The required street yard may be decreased in any Residential or Business district to the average of the existing street yards of abutting structures on each side, but in no case less than fifteen (15) feet in any residential district.

22.11 SIGNS.

- (A) **PERMIT REQUIRED.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except so as to comply with the provisions of this section. It shall be unlawful for any person to locate, erect, construct, enlarge or structurally modify a sign or cause the same to be done within the City of Platteville without first obtaining a sign permit for each sign from the Building Inspector, unless specifically exempted by this Section. All signs requiring review under the provisions of Chapter 27, Historic Preservation, shall meet the requirements of that Chapter in addition to the requirements of this section.
- (B) **GENERAL REGULATIONS**
 - (1) **Conflicts.** In the case of conflicting sign requirements and limitations, the more stringent shall apply.
 - (2) **Advertising.** Other than billboards, political signs and temporary signs as permitted by this Section, signs shall advertise only those locations, products, goods, or services available upon the same premises as the sign.
 - (3) **Installation.** All signs shall be properly secured, supported and braced. Signs shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.
 - (4) **Maintenance.** All signs, including supports and attachments, shall be kept in reasonable structural condition and shall be kept clean and well painted at all times.
 - (5) **Blanketing.** Blanketing of signs shall not be allowed.
 - (6) **Illumination.** When permitted, both indirect and directly illuminated signs shall concentrate light only upon the area of the sign. Light sources shall be shielded as necessary to prevent glare upon the street or adjacent properties.

- (C) DEFINITIONS AND REQUIREMENTS. The following definitions and sign requirements shall apply to all signs. Refer to Section 22.11(G) for regulations specific to each zoning district, and to Section 22.11(H) for regulations specific to temporary signs.
- (1) Area of Sign. The entire area within a single perimeter enclosing the extreme limits of a sign, not including any structural elements. The area of a multiple-faced or irregular-shaped sign shall be computed on the basis of the smallest area of the sign that can be enclosed by two contiguous rectangles. Only one side of a double-faced sign shall be used in computing the area of a sign, provided that the information on both sides is the same.
 - (2) Awning. A hood or cover that projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.
 - (3) Banner Sign. Any temporary sign of lightweight fabric, vinyl or similar material that is intended to promote a business, product or event. National, state or municipal flags shall not be considered a banner sign.
 - (4) Billboard. A sign that advertises goods, products or facilities, or services not on the premises where the sign is located or is intended to direct persons to a different location from where the sign is located. Also known as an off-premise advertising sign.
 - (5) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
 - (6) Building Frontage. The horizontal width of a building where it is oriented towards the right-of-way. On a corner lot, each face of the building facing a right-of-way is considered a separate building frontage.
 - (7) Building Sign. A sign attached to, painted on or made a part of a wall or a projection of a wall on a building, or erected upon or over the roof or parapet of any building. For the purposes of this Ordinance, there are four types of building signs.
 - (a) Awning/Canopy/Marquee Sign. Any sign attached to or made part of an awning, canopy or marquee, including any sign hanging from underneath the awning, canopy or marquee. Hanging signs may not be lower than 8 feet above a walkway or public sidewalk.
 - (b) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.

- (c) Projecting Sign. Any sign extending more than twelve (12) inches, but no more than five (5) feet from the face of a wall or building. Projecting signs may not be lower than eight (8) feet above a walkway or public sidewalk.
- (d) Roof Sign. Any sign erected upon or over the roof or parapet of any building. The highest point of the sign may not be more than fifteen (15) feet above the roof surface or the coping of the building. The combined height of the building and the sign shall not exceed the height requirement for the zoning district in which it is located.
- (8) Canopy (or Marquee). A shelter attached to or connected with a building to provide cover over a door, entrance, window or outdoor service area.
- (9) Construction/Development Sign. Any temporary sign giving the name or names of contractors, architects, lending institutions, funding sources, responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.
- (10) Directly Illuminated Sign. Any sign designed to give artificial light directly through a transparent or translucent material from a source of light originating within or upon such sign.
- (11) Directional Sign. Any sign which provides instruction or direction and is located entirely on a property to which it pertains, or adjacent to a driveway serving the property, and does not exceed eight (8) square feet in area. This includes, but is not limited to, such signs as those identifying entrances and exits, drive-through windows, restrooms, telephones, and parking areas.
- (12) Electronic Message Unit Sign. Any sign on which the message may be changed by an electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic and charitable events or the advertising of products or services available on the premises. This also includes traveling or segmented message displays.
- (13) Flashing Elements. Portions of any directly or indirectly illuminated sign (except for Electronic Message Unit signs) which contain artificial light which is not maintained stationary and constant in intensity and/or color at all times when in use. Where signs with flashing elements are permitted, the intensity of any single bulb or other light-emitting source cannot exceed twenty-five (25) watts. Bare reflecting-type bulbs of any kind are not allowed as flashing elements unless they are properly shaded so as not to interfere with surrounding properties. No more than twenty-five (25) percent of the area of any sign may contain flashing elements.

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- (14) Fraternity/Sorority Sign. A sign on a fraternity or sorority house which is recognized by the University of Wisconsin-Platteville, which contains only the name, Greek letters, and/or recognized logo of the fraternity/sorority.
- (15) Freestanding Sign. Any permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (16) Height of Sign. The distance measured from the established grade at the ground level of the sign to the top-most element of the sign structure.
- (17) Indirectly Illuminated Sign. A sign that is illuminated from a source outside of the actual sign, which is directed at the sign and is installed for the purpose of sign illumination.
- (18) Institutional Sign. A sign for a public, educational, charitable or religious institution, which may include areas for movable copy.
- (19) Movable Board Sign. A two-sided sign designed to be temporarily placed on the sidewalk outside of a business that advertises goods or services available therein. A movable board sign located on a public sidewalk shall only be displayed during the hours the business is open, may not be fixed in a permanent position, shall not be located in front of another business, and may not be illuminated. The City accepts no liability for any movable board sign placed on a public right-of-way.
- (20) Multi-Family Complex Sign. A freestanding sign that displays the name of a multi-family apartment complex and related information (such as the phone number, vacancy status, etc.).
- (21) Neighborhood Identification Sign. A sign displaying the name of a particular neighborhood or subdivision located at the entrance to said area. A Neighborhood Identification sign may be illuminated and may be combined with a brick, masonry or stone wall and landscaping.
- (22) Nonconforming Sign. Any sign which does not conform to the regulations of this Section.
- (23) Occupant Frontage. In a multi-tenant building, the horizontal width of the business occupancy parallel to the front of the building or to its main entrance. In the case of an end unit with a wall face that faces a street right-of-way, each wall face may be considered a separate occupancy frontage.
- (24) Personal Greeting/Congratulatory Sign. A temporary sign with a non-advertising message providing a greeting or message to announce, congratulate or welcome.

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- (25) **Public Event Sign.** A temporary sign displaying information of interest to the general community regarding scheduled public events, public activities, fundraising events, religious or educational events or activities, or events of a philanthropic entity. Such signs shall not include product advertisement or an activity for private profit.
- (26) **Political Message Sign.** A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election or urging that a matter be placed on a ballot of a primary, general or special election.
- (27) **Portable Sign.** A temporary sign mounted to a rigid structure which is not permanently affixed to the ground and which can be moved from one location to another, not including a moveable board sign.
- (28) **Real Estate Sign.** Any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.
- (29) **Sign.** A sign shall include anything using words, letters, numbers, symbols or graphics that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location, individual, event or product.
- (30) **Sign Setback.** The distance from any property line to the plane formed by the nearest edge or element of the sign structure, extended to the ground.
- (31) **Street Frontage.** The distance measured along the lot line adjacent to a public right-of-way. Each separate street adjacent to a lot is considered a separate street frontage. When multiple signs are allowed, each sign shall use the frontage along which it is intended to be viewed as its street frontage for the purposes of determining sign area.
- (32) **Temporary Sign.** Any sign intended to be displayed for a limited period of time, including banners, movable board signs, portable signs, ground signs, flags, pennants, inflatable figures and balloons. The signs may be used for advertising a product, business or publicizing a special event. Seasonal or holiday lights, wreaths, trees, or other common holiday decorations are not considered temporary signs. Temporary signs shall be erected so as not be loosened as a result of wind or weather and shall be properly maintained.
- (33) **Warning Sign.** Signs which are intended to warn of regulations, restrictions or safety hazards affecting the property, e.g. "No trespassing", "beware of dog", "no parking", etc.
- (34) **Window Sign.** Any sign that is visible to the public located completely within a window, or attached to or painted upon the surface of a window of a building.

- (D) PERMIT-EXEMPT SIGNS. The following signs are exempt from the requirement that a permit be obtained and, unless otherwise stated, are permitted in all zoning districts, (unless within the Historic Preservation District, in which case all applicable historic preservation provisions shall apply):
- (1) Commemorative plaques of recognized historic agencies, commemorative signs recognizing a historic event, site or person, or identification emblems of historical agencies, not exceeding eighteen (18) square feet.
 - (2) Directional signs, in the Business and Manufacturing districts.
 - (3) Emblems or insignia of any nation or political subdivision, or non-profit organization, provided such signs shall not be illuminated nor exceed two (2) square feet in area.
 - (4) Government or official signs for the control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, wayfinding signs, and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty. Such signs shall be subject to approval by the Department of Public Works and the Building Inspector.
 - (5) Home-based professional office signs, home occupation identification signs, Bed and Breakfast establishment signs, and professional office signs (in the R-3 District) when located on the same premises as an approved Conditional Use. Such signs may not be illuminated and are limited to four (4) square feet in area. See Section 22.06 for further regulations.
 - (6) House numbers and name plates not exceeding two (2) square feet in area for each residential, institutional, business or manufacturing building.
 - (7) Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this or any other applicable code, statute, or ordinance.
 - (8) Memorial signs or tablets, names of buildings and date of erection, inscriptions or emblems, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than 4 square feet in area and affixed flat against the structure.
 - (9) Municipal signs. Signs erected by the City of Platteville upon municipal property, buildings, parks or public recreational facilities.
 - (10) Official notices posted by public officers or employees in the performance of their duties.

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- (11) Religious symbols or identification emblems of religious orders.
 - (12) University Signs. Signs erected by the University of Wisconsin-Platteville on University-owned property.
 - (13) Warning Signs.
 - (14) Window signs. Signs attached or affixed to the surface of a window; however, window signs located within a designated Historic District must first be approved by the Historic Preservation Commission in accordance with the requirements of Chapter 27.
 - (15) Temporary Signs. Some temporary signs are permit exempt, as described in Section (H).
- (E) PROHIBITED SIGNS. The following signs are prohibited:
- (1) Signs containing any obscene, indecent, or immoral matter.
 - (2) Signs which interfere with the safe conduct of travel on sidewalks, streets and highways. Advertising signs that are similar in appearance to traffic control signs and devices are prohibited.
 - (3) Any other sign that creates an unreasonable hazard or threat to public safety is hereby prohibited.
 - (4) Signs (other than billboards) which advertise a product or business which is no longer available or carried on upon the premises on which the sign is located. Such signs shall be removed within twelve (12) months of the cessation of such sales or business.
- (F) APPLICATION FOR A SIGN PERMIT
- (1) Application for a sign permit shall be made in writing upon a form furnished by the Building Inspector. With such application there shall be submitted plans showing:
 - (a) Location or position of the sign structure on the lot or building on which it shall be attached or erected, and
 - (b) Drawings and specifications showing area, height, location and setback of the sign, method of construction, and attachment to the building or other structure, or anchoring in the ground.

- (c) Any other information deemed necessary by the Building Inspector to meet the requirements of this Section.
 - (2) Permit fees shall be in the amount as established from time to time by the Common Council.
- (G) ZONING DISTRICT REGULATIONS FOR PERMANENT SIGNS
- (1) Residential Districts:
 - (a) Types Allowed. The following types of permanent signs are permitted in the R-1, R-2, and R-3 districts. Allowable temporary signs are described in Section (H).
 - 1. Institutional Signs.
 - a. Maximum Area: Thirty (30) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - 2. Multi-Family Complex Signs, in the R-3 District only.
 - a. Maximum Area: Thirty- Five (35) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - 3. Neighborhood Identification Signs.
 - a. Maximum Area: Twenty (20) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - 4. Fraternity/Sorority Signs, where such uses are permitted.
 - a. Maximum Area: Twenty (20) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - 5. Home Occupation Signs, where such uses are permitted, subject to the standards in 22.06 or as approved as part of CUP.
 - a. Maximum Area: Four (4) square feet.
 - (b) Illumination: The above permitted signs may be illuminated, except for the Home Occupation Signs. Flashing elements are prohibited.

(2) I-1 and C-1 Districts.

(a) Types Allowed. The following types of permanent signs are permitted in the I-1 Institutional and C-1 Conservation districts for all Specified and approved Conditional Uses. Allowable temporary signs are described in Section (H).

1. Building and Freestanding Signs.

- a. Building Sign Maximum Area: One (1) square foot per each linear foot of building frontage.
- b. Freestanding Sign Maximum Area: One square foot per each linear foot of street frontage, up to a maximum of 150 square feet. Maximum Height: Ten (10) feet. Minimum Setback: Five (5) feet.

(b) Illumination. All permitted signs may be illuminated. Flashing elements are prohibited.

(3) B-1 District:

(a) Types Allowed. The following types of permanent signs are permitted in the B-1 Neighborhood Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).

a. Building Signs:

- a. Maximum Cumulative Area: One (1) square foot per each linear foot of building frontage or, in the case of a multi-tenant building, one square foot per each linear foot of occupant frontage.
- b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

b. Freestanding Signs.

- a. Maximum Area: One (1) square foot per each linear foot of street frontage, up to a maximum of seventy-five (75) square feet.
- b. Maximum Height: Twenty-five (25) feet.
- c. Maximum per Lot: One (1).
- d. Minimum Setback: Five (5) feet.

c. Institutional Signs.

- a. Maximum Area: Thirty (30) square feet.
 - b. Maximum Height: Ten (10) feet for freestanding signs.
 - c. Minimum Setback: Five (5) feet.
- (b) Illumination. All permitted signs may be illuminated. Flashing elements are prohibited.
- (4) CBT District.
- (c) Types Allowed. The following types of permanent signs are permitted in the CBT Central Business Transition District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
- 1. Building Signs:
 - d. Maximum Cumulative Area: One and a half (1.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, one and a half square feet per each linear foot of occupant frontage.
 - e. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
 - 2. Institutional signs.
 - a. Maximum Area: Thirty (30) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - 3. Freestanding Signs.
 - e. Maximum Area: One and a half (1.5) square feet per each linear foot of street frontage, up to a maximum of 100 square feet.
 - f. Maximum per Lot: One (1).
 - g. Maximum Height: Twenty Five (25) feet.
 - h. Minimum Setback: Five (5) feet.
 - 4. Multi-Family Complex Signs, and only when allowed as a conditional use.
 - a. Maximum Area: Thirty-five (35) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.

5. Fraternity/Sorority Signs, only when allowed as a conditional use.
 - a. Maximum Area: Twenty (20) square feet.
 - b. Maximum Height: Ten (10) feet.
 - c. Minimum Setback: Five (5) feet.
 - (d) Illumination. All signs in the CBT districts may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
- (5) B-2 District.
- (a) Types Allowed. The following types of permanent signs are permitted in the B-2 Central Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
 1. Building Signs:
 - a. Maximum Cumulative Area: Two (2) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two square feet per each linear foot of occupant frontage.
 - b. Maximum Number per Building or Occupancy: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
 2. Electronic Message Unit Signs:
 - a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
 3. Freestanding Signs:
 - a. Maximum Area: Two (2) square feet for each linear foot of street frontage, up to a maximum of 150 square feet.
 - b. Maximum per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one (1) additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
 - c. Maximum Height: Twenty-five (25) feet.
 - d. Minimum Setback: Five (5) feet.

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- (b) Illumination. All signs in the B-2 district may be illuminated . Flashing elements (except for Electronic Message Unit signs) are prohibited.
- (6) B-3 District.
- (a) Types Allowed. The following types of permanent signs are permitted in the B-3 Highway Business District, subject to the requirements herein. Allowable temporary signs are described in Section (H).
 - 1. Billboard signs.
 - a. Maximum Area: 400 square feet per side.
 - b. Maximum Height: 30 feet.
 - c. Minimum Setback: 15 feet.
 - d. Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
 - e. Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.
 - f. Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.
 - 2. Building signs:
 - a. Maximum Cumulative Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
 - b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.
 - 3. Electronic Message Unit signs.

- a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.
4. Institutional signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.
5. Freestanding signs.
 - a. Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
 - b. Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 200 feet or more, one (1) additional sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
 - c. Maximum Height: Thirty (30) feet.
 - d. Minimum Setback: Five (5) feet.
- (b) Illumination. All signs in the B-3 District may be illuminated. Flashing elements are permitted; however, flashing elements that may create a hazard as determined by the Zoning Administrator are prohibited.
- (7) Manufacturing Districts.
 - (a) Types Allowed. The following types of permanent signs are permitted in the M-1, M-2, and M-4 districts, subject to the requirements herein. Allowable temporary signs are described in Section (H).
 1. Billboard signs; however, billboard signs are not permitted in the M-4 District.
 - a. Maximum Area: 400 square feet per side.
 - b. Maximum Height: 30 feet.
 - c. Minimum Setback: 15 feet.
 - d. Maximum Number per Lot: For highways with speed limit <65 mph, one (1) per lot with a minimum spacing between signs of 500 feet of highway frontage. For highways with speed limit 65 mph, one (1) per lot with a minimum spacing between signs of 1500 feet of highway frontage.
 - e. Location: Billboards are only allowed on lots that have frontage on a State or Federal highway, or a highway

business route. No billboards may be installed adjacent to or within 300 feet of an interchange, intersection at grade, off-ramp, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.

- f. Residential Setback: Billboards shall be setback a minimum of four hundred feet (400') from a property zoned residential, or from a structure used as a residence which is located on lands not zoned residential.

2. Building Signs:

- a. Maximum Area: Two and a half (2.5) square feet per each linear foot of building frontage or, in the case of a multi-tenant building, two and a half (2.5) square feet per each linear foot of occupant frontage.
- b. Maximum Number per Building: Multiple building signs are permitted, but the total area of all signs may not exceed the maximum area stated above.

3. Electronic Message Unit Signs.

- a. The maximum area dedicated to an electronic message unit shall be 50 percent of the sign area or 35 square feet (whichever is larger) per sign face and shall be inclusive of the maximum area permitted for the sign structure.

4. Institutional Signs. Shall meet the applicable requirements for Building Signs and/or Freestanding Signs in this Section.

5. Freestanding Signs.

- a. Maximum Area: Two and a half (2.5) square feet for each linear foot of street frontage, up to a maximum of 200 square feet.
- b. Number Per Lot: One (1) per street frontage; however, for lots where a street frontage is 250 feet or more, one (1) additional pole sign is permitted along that frontage; however, the aggregate area of all signs may not exceed the maximum area noted above.
- c. Maximum Height: Thirty (30) feet.
- d. Minimum Setback: Five (5) feet.

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- (b) Illumination. All signs in the manufacturing districts may be illuminated. Flashing elements are permitted.
- (c) M-s Districts: Standards for signs in the M-3 Industrial Park District regarding sign area, height, setback, number and illumination limitations shall directly relate to the individual zoning district for which the use is listed as a specified use.

(H) REGULATIONS FOR TEMPORARY SIGNS

- (1) Residential Districts – Permit Exempt. Temporary signs are allowed in the R-1, R-2 and R-3 districts without a permit, subject to the following requirements:
 - (a) Except for signs approved by the Common Council, all signs shall be located entirely within the property boundaries.
 - (b) Signs shall not obstruct the visibility from any intersection or driveway.
 - (c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.
 - (d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
 - (e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
 - (f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
 - (a) Total sign area shall not exceed sixteen (16) sq. ft. without a permit, and no individual sign shall exceed nine (9) sq. ft. in area. Exception: Signs installed on a construction or development site and related to the project have no size limitations and may be installed over the entire length and height of a fence surrounding the construction site.
- (2) Residential Districts – Permit Required. Additional signs beyond that identified in Section (H)(1) above shall require a sign permit.
 - (a) A permit is required for each twelve (12) sq. ft. of additional sign area.

- (b) The additional permitted signs shall be allowed to remain for a maximum of fourteen (14) days per issued permit, and the property shall be limited to a maximum of four (4) additional permits per year.
 - (c) The total area of temporary signs on any property is limited to a maximum of 0.5 sq. ft. of sign area for each foot of lot frontage.
- (3) Non-Residential Districts – Permit Exempt. Temporary signs are allowed in the non-residential districts without a permit, subject to the following requirements:
- (a) Except for signs approved by the Common Council, and movable board signs in the B-2 District, all signs shall be located entirely within the property boundaries.
 - (b) Signs shall not obstruct the visibility from any intersection or driveway, or the movement of pedestrians on a public sidewalk.
 - (c) Signs shall be adequately supported and anchored. Any sign that is frayed, damaged, dirty, worn, or that becomes loosened from its supports so that the sign is sagging, shall become an illegal sign and may be treated in the same manner as any other illegal sign under the provisions of this Chapter.
 - (d) Signs shall not be lit and shall not include any electrical, mechanical, video or audio device.
 - (e) Except for signs promoting a public event, charitable event or educational activity taking place at another location, signs must be promoting or otherwise related to a use that is permitted on the property where the sign is located.
 - (f) Signs related to a specific event or activity shall not be installed more than five (5) days prior to the start of such event or activity, and shall be removed within two (2) days following the event or activity.
 - (a) Total sign area shall not exceed sixteen (16) sq. ft. without a permit. Exception: Signs installed on a construction or development site and related to the project have no size limitations and may be installed over the entire length and height of a fence surrounding the construction site.
- (4) Non-Residential Districts – Permit Required. Temporary signs in addition to the signs described in Section (H)(3) above are subject to a sign permit and the following requirements:

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- (a) A permit is required for each sixteen (16) square feet of additional temporary sign area. Each sign shall be allowed for a maximum of fourteen (14) days, and the business or entity shall be limited to a maximum of four (4) additional permits per year.
- (b) Special Event Signs: Unlimited temporary signs are allowed with a permit for grand openings, sales, or other special events. Signs for each event shall be allowed for a maximum of thirty (30) days, and the property shall be limited to a maximum of two (2) events per year.
- (c) Except for Special Event Signs, the total amount of temporary signs allowed on a property is limited to a maximum of one and one-half (1.5) square feet of sign area for each linear feet of building frontage, or occupant building frontage for multi-tenant buildings.

(I) NON-CONFORMING SIGNS.

- (1) All signs, except temporary signs, that are in existence as of the adoption of this ordinance and that do not conform to this Section shall be considered as non-conforming and are subject to the requirements of Section 22.12.
- (2) Signs that are legal but non-conforming under this Section may not be enlarged, heightened, altered in shape, or moved. The copy on such signs may be altered, but only within the existing area of the sign.

(J) DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (1) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of twelve (12) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may remove the sign at the cost of the owner, following adequate written notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.
- (2) Alterations. Any sign that was erected before the adoption of this sign ordinance shall not be enlarged, rebuilt or relocated without conforming to all of the requirements of this Section.
- (3) Violations. All signs constructed or maintained in violation of any of the provisions of this sign ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

22.12 NONCONFORMING USES, STRUCTURES, AND LOTS.

(A) **EXISTING NONCONFORMING USES.** The lawful nonconforming use of a structure, land or water existing at the time of adoption of this ordinance may be continued although the use does not conform with the provisions of this ordinance. However:

- (1) Only that portion of the land, structure or water in actual use may be so continued and the structure or use may not be extended, altered, enlarged, reconstructed, substituted, moved or structurally altered, except so as to comply with the provisions of this ordinance.
- (2) Total lifetime structural repairs or alterations to a structure dedicated to a nonconforming use shall not exceed 50% of the equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the provisions of this ordinance.
- (3) If such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the structure, land, or water shall conform to the provisions of this ordinance. When a nonconforming use or structure dedicated to such nonconforming use is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, it shall not be restored except so as to comply with the provisions of this ordinance.
- (4) Notwithstanding the above, for properties in the City of Platteville, a specified or conditional use in the R-1, R-2 and R-3 districts that is nonconforming because it is located on lands which do not conform to the regulations of the district in which said lands are located, may be rebuilt if such reconstruction is identical in building area and use to the original structure and the reconstruction is completed within one year of the damage occurring.
- (5) Notwithstanding the above, a structure located in the B-2 Central Business District that has a non-conforming residential use, including residential use of the ground floor, and that is damaged or destroyed by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, may be rebuilt for the same use if such reconstruction meets the following conditions:
 - (a) A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe.

- (b) The reconstruction will not increase any dimensional nonconformity of the building or structure, except as may be necessitated by compliance with Section 22.12(A)(5)(c) below.
 - (c) The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.
- (6) Notwithstanding the above, a structure located in a R-LO Limited Occupancy Residential Overlay District that has a non-conforming residential use because it is occupied by more than two unrelated individuals, and that is damaged or destroyed by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its equalized value at the time such event occurred, may be rebuilt for the same use if such reconstruction meets the following conditions:
- (a) A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe.
 - (b) The reconstruction will not increase any dimensional nonconformity of the building or structure, except as may be necessitated by compliance with Section 22.12(A)(6)(c) below.
 - (c) The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.
 - (d) A rental license is obtained within twelve (12) months of the date the building permit is issued.

(B) EXISTING NONCONFORMING STRUCTURES

- (1) Any lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size and/or location does not conform to the lot width, area, yard, height, parking, loading, and access provisions of this ordinance.
- (2) Existing nonconforming structures shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or so as to comply with the provisions of this ordinance.
- (3) Notwithstanding the above, an existing nonconforming principal structure in the R-1, R-2, and R-3 districts which is used for any specified or conditional use, may be extended, reconstructed, moved, or structurally altered, but only if such change does not result in an increase to the nonconforming nature of the structure. No such change may increase the parking requirements for the

use unless on-site parking spaces can be provided in accordance with Section 22.09.

- (4) When a nonconforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, or infestation it may be reconstructed if such change does not result in an increase to the nonconforming nature of the structure.

(C) CHANGES AND SUBSTITUTIONS

- (1) Once a nonconforming structure or use has been changed to conform with this ordinance it shall not revert back to a nonconforming use or structure.
- (2) Except for bringing a use into conformance, any substitution of an existing nonconforming use must first be approved by the Board of Appeals. The Board of Appeals may only approve substituting an existing nonconforming use with an equal or more restrictive nonconforming use. Should the Board of Appeals permit the substitution of a more restrictive nonconforming use, the substituted use shall remain a nonconforming use, subject to the requirements of this Section. The Board of Appeals may impose conditions upon the substituted use to insure that any impacts to the surrounding area will be minimized.

(D) SUBSTANDARD LOTS

- (1) In any residential district a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the County Register of Deeds' Office before the effective date of adoption or amendment of this ordinance.
- (2) Such lots and parcels shall comply with all of the District requirements insofar as practical, but such lots and parcels shall not be less than the following:

Lot Width:	40 feet
Lot Area:	4,000 square feet
Yards: Street:	25 feet; the side street yard on corner lots shall be a minimum of 10 feet
Rear:	25 feet
Sides:	8% of the lot width and not less than 5 feet

22.13 CONDITIONAL USE PERMITS.

- (C) (A) **CONDITIONAL USE PERMITS.** The Common Council, upon review and recommendation from the Plan Commission, may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses, provided that such conditional uses and

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structures are in accordance with the purpose and intent of this ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

- (D) **PURPOSE AND FINDINGS.** Those land uses or activities set forth in this chapter as requiring a Conditional Use Permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case. Conditional Use Permits shall be issued upon authorization by the City Council, after review by the Plan Commission, and shall be based on a determination that the land use or activity complies with specific requirements for certain land uses and activities as may be set forth in this chapter. The City's decision to approve or deny a Conditional Use Permit must be supported by substantial evidence.
- (1) "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion.
 - (2) If an applicant for a Conditional Use Permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the City Council, the City shall grant the Conditional Use Permit.
 - (3) The applicant must demonstrate that the application and all requirements and conditions established by the City relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.
- (C) **APPLICATION.** An application for a Conditional Use Permit shall be made to the Zoning Administrator on a form provided. The application shall include the following information:
- (1) Name and addresses of the applicants, owners of the site, the architect or engineer, if any, the contractor, if any, and the names of property owners of record within 200 feet of the property in question, inclusive of right-of-way shall be so notified.
 - (2) A description of the subject site by lot, block and recorded subdivision or by certified survey, the address of the site, the type of structure(s) on the site, proposed operation or use, the number of employees, and the zoning district within which the subject site lies.
 - (3) **Site Plan.** A Site Plan shall be attached to the application including, at minimum, the following:
 - (a) All exterior dimensions of the property in question.
 - (b) Location, dimensions and setbacks of any existing or proposed buildings.

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- (c) Parking areas, including number of spaces required by Section 22.09, number of spaces proposed, and location and dimensions of parking spaces, including handicapped-accessible spaces as required.
 - (d) Locations of landscaping, exterior lighting, and signage.
 - (e) The Zoning Administrator may require additional information on the Site Plan as necessary to show that the proposed conditional use meets the purpose and intent of this Ordinance.
 - (f) The Site Plan shall be prepared by an architect, civil engineer, registered land surveyor, land planner or similar professional, unless the Zoning Administrator determines that the project's complexity is minimal and the plan may be prepared by a non-professional.
- (4) Any additional information which may be required by the Plan Commission, Director of Public Works, or the Zoning Administrator.
 - (5) An application fee in the amount as established from time to time by the Common Council.

(D) REVIEW AND APPROVAL

- (1) The Zoning Administrator shall give written notice to all property owners within 200 feet of the subject property prior to the Plan Commission meeting at which action shall be taken.
- (2) The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street or highway access, traffic generation and circulation, drainage patterns, sewer and water systems and the proposed operation.
- (3) Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational hours, restrictions, increased yards or parking requirements or other requirements may be imposed by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.
- (4) Compliance with all the other provisions of this ordinance such as lot width and areas, yards, height, parking, loading, traffic, and highway access, as well as performance standards, shall be required of all conditional uses. Variances shall only be granted pursuant to Section 22.14.
- (5) The Plan Commission shall review the proposed use and shall recommend to the Common Council that the request be approved, approved with conditions, or denied.

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- (6) The Common Council shall hold a public hearing to consider the conditional use after publication of a Class 2 legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the requested use.
- (E) **DECISION.** Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the requested Conditional Use Permit. The Common Council may vote to approve, approve with conditions, or deny the request.
- (F) **GENERAL PROVISIONS.** No application for a Conditional Use Permit shall be granted unless the Common Council finds that the following provisions are present:
- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare;
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
 - (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access road, off-street parking, drainage and other necessary site improvements have been or are being provided;
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard in the public streets;
 - (6) That the conditional use shall conform to all applicable regulations of the district in which it is located;
 - (7) That the proposed use is in conformance with the purpose of the zoning district in which it is located and complies with the provisions and policies of the comprehensive plan; and
 - (8) That the specific provisions applicable to the conditional use listed in this chapter are or will be satisfied, including the applicable provisions in Section 22.06.
- (G) **CONDITIONS.** The Common Council may impose conditions on the use as part of the approval of the Conditional Use Permit. Such conditions may include, but not be limited to, the following:

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- (1) Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 - (2) Establishing a special yard or other open space or lot area or dimension.
 - (3) Limiting the height, size, appearance or location of a building or other structure.
 - (4) Designating the size, number, location or nature of vehicle access points.
 - (5) Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way.
 - (6) Designating the size, location, screening, design, drainage, surfacing or other improvement of a parking or truck loading area.
 - (7) Limiting or otherwise designating the number, size, location, height or lighting of signs.
 - (8) Limiting the location and intensity of outdoor lighting or requiring its shielding.
 - (9) Requiring screening, landscaping or other site improvements to protect adjacent or nearby property and designating standards for installation or maintenance of the improvement.
 - (10) Providing storm water management site improvements.
 - (11) Designating the size, height, location or materials for a fence.
 - (12) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
 - (13) Specifying other conditions to permit development of the City in conformity with the intent and purpose of the comprehensive plan.
- (H) RESUBMITTAL. No applications for conditional use permits may be resubmitted in person or by agent for the same or similar request for the same property within six (6) months after the decision by the Common Council unless substantial changes have been made in the request, as determined by the Zoning Administrator.
- (I) EXPIRATION. Conditional use permits approved by the Common Council shall expire within twelve (12) months unless substantial work has commenced pursuant to such approval. An applicant may request that the Common Council approve an extension for justifiable reasons for up to an additional twelve (12) months.
- (J) DURATION. Once approved, a Conditional Use Permit shall remain in effect as long as the conditions upon which the permit was issued and the requirements of this Ordinance are followed. Unless a specific duration is included in a Conditional Use Permit, a Conditional Use Permit shall automatically expire if the conditional use changes to a permitted use not requiring a Conditional Use Permit or if the conditional use is discontinued or ceases to exist for a continuous period of at least one (1) year.
- (K) RENEWAL. If a conditional use permit is for a specific duration as included in the Conditional Use Permit or the Conditional Use Permit has expired, the property owner will need to apply for a new Conditional Use Permit following the requirements of this Ordinance.

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- (L) **TRANSFER OF OWNERSHIP.** Unless a limitation on the transfer of ownership is included in the Conditional Use Permit, all requirements of an approved conditional use shall be continued regardless of ownership of the subject property.
- (M) **CONTINUING JURISDICTION AND REVOCATION.**
- (1) The Common Council retains continuing jurisdiction over all conditional uses for the purpose of ensuring that the applicant for a Conditional Use Permit meets all of the requirements and conditions of the City ordinances and the Conditional Use Permit.
 - (2) Any person may notify the Zoning Administrator in writing that one or more requirements or conditions of City ordinances or conditions of a Conditional Use Permit have not been completed or are being violated.
 - (3) The Zoning Administrator shall initially determine whether there is a reasonable probability that the subject conditional use is in violation of a condition of approval. If the Zoning Administrator determines there is a reasonable probability of a violation, the Common Council shall conduct a hearing following publication of a class 2 legal notice in accordance with Chapter 985 of the Wisconsin Statutes.
 - (4) The Common Council may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Common Council, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards of this ordinance, the Common Council may revoke the Conditional Use Permit and direct the Zoning Administrator and the City Attorney to seek elimination of the conditional use.
- (N) **MOBILE HOME PARKS.** The application requirements for a Conditional Use Permit for a mobile home park shall be subject to all of the requirements of Section 22.08.

22.14 BOARD OF APPEALS

- (A) **ESTABLISHMENT.** There is hereby established a Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this ordinance which are in harmony with its purpose and intent.
- (B) **MEMBERSHIP**
- (1) The Board of Appeals shall consist of:
 - (a) four members, all of whom shall be City residents, appointed by the President of the Common Council, subject to confirmation of the Common Council, for terms of 3 years. The Council President may appoint, subject to confirmation by the Common Council, 3 alternate members whose terms shall also be for 3 years. One member, if available, should be a registered architect, registered professional engineer, builder, or real estate appraiser.

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- (b) one member who shall be a Plan Commissioner and, who shall be appointed by the President of the Common Council, subject to confirmation of the Common Council, at the second meeting of the Council in April, for a one-year term.
 - (c) Notwithstanding the above, in order to provide for staggered terms in the membership of the Board of Appeals, the appointment of the six members that will be filling the terms that expire on 10/1/02 shall be as follows:
 - 1. one member shall serve for two years, and two members shall serve for three years;
 - 2. the alternate members shall be appointed so that one member shall serve for one year, one member shall serve two years, and one member shall serve three years.
 - (2) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
 - (3) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.
 - (4) No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member or to the member of the Plan Commission who is appointed to the Board.
- (C) ORGANIZATION
- (1) The Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this ordinance. Meetings shall be held at the call of the Chairman or of two members and shall be open to the public. Minutes of the meeting shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its findings of fact. These records shall be filed in the Office of the City Clerk and shall be a public record.
 - (2) The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation or permit an accessory, temporary, unclassified, or unspecified use.
- (D) POWERS. The Board of Appeals shall have the following powers:

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- (1) 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 Chapter or of any ordinance adopted pursuant thereto:
 - (2) To authorize upon appeal in specific cases such variance from the terms of the ordinances 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 practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - (3) To consider substitution of a nonconforming use with a more restrictive nonconforming use.
 - (4) To hear and grant applications for temporary uses in any district, when such uses do not involve the erection of a substantial structure, are compatible with the neighboring uses and have been reviewed and recommended by the Plan Commission. The permit shall be temporary, revocable, subject to any conditions required by the Board, and shall be issued for not more than 12 months.
 - (5) The Board may, at any time request assistance from other City officers, departments, commissions and boards.
- (E) APPEALS.
- (1) Appeals from the decision of the Building Inspector or Zoning Administrator concerning the enforcement of this ordinance may be made to the Board of Appeals by any person aggrieved or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Zoning Coordinator within 30 days after the date of the decision of the Building Inspector or Zoning Administrator.
- (F) APPLICATION. Application for appeals and/or variances shall be on a form supplied by the Zoning Administrator and shall be accompanied by the following:
- (1) The names and addresses of the appellant or applicant and all property owners of record within 100 feet of the property.
 - (2) A site plan of the subject property showing all information necessary to establish the case for appeal or variance.
 - (3) Additional information required by the Zoning Administrator, Plan Commission, Director of Public Works, Building Inspector or the Board.

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- (4) Any other information which the applicant deems relevant in support of the application.
 - (5) An application fee in the amount as established from time to time by the Common Council.
- (G) **HEARINGS.** The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten days prior to the hearing and shall give due notice to all parties in interest, the Building Inspector, and the Chair of the Plan Commission. At the hearing the appellant or applicant may appear in person or by agent.
- (H) **STANDARDS.** A variance from the provisions of this ordinance shall not be granted by the Board unless the variance request meets the following standards.
- (1) **Area Variance.** An area variance is defined as a request for a deviation from a zoning restriction governing area, setback, frontage, height, bulk or density.
 - (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.
 - (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
 - (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the restrictions governing area, setbacks, height, etc., would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.
 - (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
 - (e) The hardship must be unique to the property and not self-created.
 - (2) **Use Variance.** A use variance is defined as a request to use the property for a purpose not permitted by the regulations.
 - (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.

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- (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that limits the ability of the applicant to conform to the regulations.
- (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the regulations results in the applicant having no reasonable use of the property in the absence of a variance. The variance should not conflict with the purpose of the zoning ordinance.
- (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
- (e) The hardship must be unique to the property and not self-created.

(I) DECISION

- (1) The Board of Appeals shall decide all appeals and applications within 30 days of the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Building Inspector, the Chair of the Plan Commission, and the City Clerk.
- (2) Conditions may be placed upon any building permit ordered or authorized by the Board. Conditions may be placed on any decision made which does not involve a building permit.
- (3) Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless a building permit has been approved (if required) and substantial work has commenced pursuant to such grant.

(J) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may appeal such decision to the Circuit Court of Grant County. All appeals must be filed with the court within 30 days after receipt of a copy of the Board's decision by the applicant or appellant.

(K) RE-APPEALS. No appellant may resubmit the same or similar appeal in person or by agent for the same property within 6 months after the decision by the Board.

22.15 DEFINITIONS

ACCESSORY USE OR STRUCTURE – A use or detached structure, including children's play equipment and structures that are larger than 100 sq. ft., subordinate to the principal use of a structure, land, or water, located on the same lot or parcel and serving a purpose customarily incidental to the principal use or the principal structure. An enclosed and/or covered accessory use or structure which is attached to the

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principal structure shall be considered to be part of the principal structure and is subject to the same setback requirements as a principal structure.

ALLEY – A public right of way, other than a street, which provides secondary access to a lot. For purposes of determining setback requirements, yards abutting alleys shall not be considered street yards.

ALTERATION – Any change, addition or modification in construction or type of occupancy or any change in the structural members of a building, such as walls, partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

AWNING – A hood or cover attached to a rigid frame projecting from the wall of a building, which is designed to provide protection from sun or weather. An awning may be designed so that it may be retracted, folded or collapsed against the face of a structure. The lowest part of any awning, including any signs or other appurtenances suspended below it, shall be a minimum of seven (7) feet above the sidewalk or surrounding grade in non-residential districts, or six (6) feet four (4) inches in residential districts.

BED AND BREAKFAST – A place of lodging as licensed by the State of Wisconsin which provided eight (8) or fewer rooms for rent to a maximum of twenty (20) tourists or other transients for more than ten (10) nights in a twelve (12) month period. The establishment must be the owner’s personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.

BLOCK – A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

BUILDING – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, equipment, machinery or materials. Poles used for the support of transmission wires and appurtenant equipment for supplying public utility services and fences and tents shall not be considered as buildings or structures.

BUILDING AREA – The total of areas taken on a horizontal plane of the main grade level of the principal building or accessory buildings, exclusive of uncovered portions of the structure, such as porches, decks, terraces or steps. Also commonly referred to as a building “footprint”.

BUILDING HEIGHT – The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, or to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

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BUILDING LINE – A line parallel to a front lot line or a corner side lot line and at a distance from the lot line(s) to comply with the street yard setback requirements.

CANOPY – A permanent roof-like structure projecting beyond a building wall or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against sun and weather. The lowest part of any canopy, including any signs or other appurtenances suspended below it, shall be seven (7) feet above the sidewalk or surrounding grade. A canopy which provides protection to a building entrance is also commonly referred to as a marquee.

COMMERCIAL RECREATION – A private, for-profit use or facility (not including institutional uses or facilities) which provides recreation opportunities to the public. Such uses include, but are not limited to, billiard halls, bowling alleys, indoor playgrounds, game rooms and dance halls.

COMPREHENSIVE PLAN – The developed plan, also called a master plan, adopted by the Plan Commission and certified to the Common Council pursuant to Section 62.23, Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning ordinance, official zoning map, land division and building ordinances and capital improvement programs, shall also be considered a part of the comprehensive plan.

CONVENIENCE STORE – A retail establishment selling and storing only new merchandise and prepackaged food consisting primarily of daily necessity items. Retail automotive fuel sales may also be included but such business shall not include vehicle sales, service, mechanical and body repair, vehicle washing and upholstery repair.

DAY CARE/ CHILD CARE CENTER – Any place, other than a Family Child Care Home, which receives children for care and supervision without the attendance of a parent, relative or legal guardian.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures. Also, the construction of additions or substantial improvements to buildings, structures or accessory structures, the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extracting of materials, public or private sewerage disposal systems or water supply facilities.

DRIVE-IN – A business which is designed so that goods and services are delivered to patrons while they are reposed in automobiles, with the intent that the vehicle is parked while the products are consumed.

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DRIVE-THROUGH – A facility such as a drive-up window or pneumatic delivery system attached to a principal use which is designed so that goods or services are delivered from within the facility to patrons while they are within a vehicle, after which the vehicle leaves the facility.

DWELLING – A detached building greater than 18’ at its smallest dimension designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, tents, cabins. Notwithstanding the dimensional requirements above, a manufactured home located within a Mobile Home Park shall conform to applicable State and Federal standards.

DWELLING, ONE FAMILY – A building containing a single dwelling unit and occupied exclusively by one family. A one-family dwelling includes a “manufactured home”.

DWELLING, TWO FAMILY – A building containing two (2) dwelling units and occupied by no more than one family in each dwelling unit.

DWELLING GROUP – Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in a planned unit development.

DWELLING, MULTI-FAMILY – A building containing three (3) or more dwelling units and occupied by no more than one family in each dwelling unit.

DWELLING UNIT – A collection of rooms that are located in a dwelling, and that are arranged, designed, or used as living quarters for occupancy by no more than one family as a single housekeeping unit only, and containing complete kitchen and toilet facilities, permanently installed.

EASEMENT – An acquired or retained privilege or right of use in the land of another.

ESSENTIAL SERVICES – Services provided by public and private utilities which are necessary for the exercise of the principal use or the service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and municipal and emergency communication systems and accessories thereto, such as poles, towers, mains, drains, vaults, culvert, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

FAMILY – Any one of the following groups of individuals, but not more than one group at a time:

- (a) Any number of persons, all of whom are related to each other by blood, adoption, marriage, legal guardianship, or domestic partnership formed under Wis. Stats. 770, along with up to two (2) roomers or boarders not so related, living together in one dwelling unit as a single housekeeping entity;

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- (b) Not more than four (4) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (c) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

FAMILY CHILD CARE HOME – A dwelling licensed as a childcare center by the Wisconsin Department of Children and Families under s. 48.65 where care is provided for not more than eight (8) children, by an occupant of the dwelling.

FOSTER HOME – A facility operated by a person who is licensed under Section 48.62, Wisconsin Statutes, which provides care and maintenance for no more than 4 children, unless all children are siblings.

FLOOR AREA – The total number of square feet of enclosed ground floor construction measured and calculated using exterior dimensions.

FRATERNITY OR SORORITY – A group or organization composed of students attending the University of Wisconsin-Platteville and designated by such group as a fraternity or sorority and recognized and approved as a fraternity or sorority by the administration of the University of Wisconsin-Platteville.

FRONTAGE – All parts of a lot abutting on a public street, not including alleys.

GARAGE, PARKING – A structure or series of structures for the temporary storage or parking of motor vehicles, not primarily commercial vehicles and not for dead storage vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels, lubricants, air, water and other operating commodities wholly within the buildings to the patrons of the garage only, and not readily visible from, or advertised for sale on, the exterior of the building.

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GARAGE, PRIVATE – An accessory building or portion of a main building designed or used solely for the storage of motor vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

GROUP HOME – A household unit of more than two (2) unrelated persons in a single dwelling unit under direct or indirect supervision for the purpose of adapting or acquainting disadvantaged persons with normal social environments. Such households may also be referred to and include half-way houses, interim housing, community based residential facilities and sheltered facilities. Such facilities shall conform with all applicable State and Federal requirements and licenses.

HABITABLE BUILDINGS – means any building, or portion thereof used for human habitation.

HEARING NOTICE – means publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for variances and appeals. A Class 1 notice is published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all planned unit developments and amendments thereto, zoning ordinances and text amendments, and rezonings. A Class 2 notice is 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.

HIGHWAY OR PRIMARY THOROUGHFARE – An officially designated Federal or State highway or other road designated as an interstate, arterial, or collector on the Comprehensive Plan as officially adopted and amended from time to time by the Plan Commission and Common Council.

HOME-BASED PROFESSIONAL OFFICES – Residences of doctors of medicine, dentists, clergymen, architects, landscape architects, professional, engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, and other recognized professions used to conduct their professions, subject to the requirements of Section 22.06.

HOME OCCUPATION, CUSTOMARY – A business, profession, trade or employment conducted in a person's dwelling which may involve that person's immediate family or household and which does not generally require patrons or customers to come to the dwelling on a regular or semi-regular basis. Examples of home occupations include, but are not limited to, the following: home offices, "telecommuting", wholesaling by phone or by mail, Internet publishing and web page design, medical transcription, etc. Home occupations do not include any business involving explosives, fireworks, or repair of motor vehicles. Home occupations are subject to the specific standards in Section 22.06. See also HOME OCCUPATION, INTENSIVE.

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HOME OCCUPATION, INTENSIVE – A business, profession, trade or employment conducted in a person’s dwelling which may involve that person’s immediate family or household and a maximum of one other person, and which by nature requires patrons or customers to come to the dwelling on a regular or semi-regular basis. Examples of intensive home occupations include, but are not limited to, the following: Hair, nail, or beauty salons, photography studios, tailoring and alterations, etc. Intensive home occupations do not include any business involving explosives, fireworks, or repair of motor vehicles. Intensive home occupations are subject to the specific standards in Section 22.06. See also HOME OCCUPATION, CUSTOMARY.

HUMAN HABITATION – A building or structure meant to be occupied by human beings.

KENNEL, BUSINESS – An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

KENNEL, PRIVATE – The keeping, breeding, raising, showing, or training of more than four dogs over five (5) months of age for personal enjoyment of the owner or occupant of the property.

LAND USE – Any use made of unimproved or improved real estate (Also see DEVELOPMENT).

LAND USE PLAN – The land use element of the Comprehensive Plan, as herein defined, consisting of a map showing the current and proposed land uses for the area subject to the Plan, along with any related narrative descriptions.

LOADING AREA – An off-street space or berth on the same lot as the principal structure or use for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT – For zoning purposes, a parcel of land occupied or intended to be occupied by a principal structure and accessory building or use and being of sufficient size to meet minimum zoning requirements for use coverage and area and to provide such yards and other open spaces as are required. Such lots shall have frontage on an improved public street and may consist of:

- (a) a single lot of record;
- (b) a portion of a lot of record;
- (c) a combination of complete lots of record, of complete lots of record or of portions of lots of record;
- (d) a parcel of land described by metes and bounds provided that in no case of division or combination any residual lot or parcel is created which does not meet the requirements of this ordinance.

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LOT AREA – The horizontal area within the lot lines of a lot.

LOT, CORNER – A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. See Plate 3.

LOT COVERAGE – The area of the lot covered by buildings, pavement, and other impervious surfaces or structures.

LOT DEPTH – The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. See Plate 3.

LOT FRONTAGE – That portion of a lot lying along and abutting a public street.

LOT, INTERIOR – A lot other than a corner lot. See Plate 3.

LOT LINES – The lines bounding a lot as defined below. See Plate 3.

- (a) Front Lot Line – In the case of an interior lot, the line separating such lot from the street right of way. In the case of a corner lot, the front lot line shall be the lot frontage of least dimension. In the case of a through lot, the lines separating such lot from the street on which the building is addressed shall be the front lot line.
- (b) Rear Lot Line – The lot line most opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front line and wholly within the lot.
- (c) Side Lot Line – Any lot line other than the front or rear lot line. A side lot line separating a lot from another lot is an interior lot line. On a corner lot, the line abutting a street which is not the front lot line is the corner side lot line.

LOT OF RECORD – A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, THROUGH – An interior lot having frontage on two parallel, approximately parallel diverging, diverging, or converging streets. See Plate 3.

LOT WIDTH – Width of a parcel of land measured at the rear of the specified street yard building line and parallel to the front lot line. See Plate 3.

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MANUFACTURED HOME – “Manufactured home” means a structure certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, which, when placed on the site:

- (a) Is set on an enclosed foundation in accordance with sec. 70.043(1), Stats., and subchapters III, IV and V of ch. COMM 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. 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 the manufacturer’s instructions; and
- (c) Is properly connected to utilities.

MARQUEE – See CANOPY.

MASTER PLAN – See COMPREHENSIVE PLAN.

MOBILE HOME DWELLING – A detached, residential dwelling unit designed for transportation after its assembly, on streets or highways on its own wheels or on flatbed or other trailers and arriving complete and ready for occupancy at the site where it is to be occupied as a dwelling, except for minor and incidental unpacking or assembly operations, location on jacks or other temporary or permanent foundations, or connections to utilities. A recreational travel trailer is not considered a mobile home dwelling. Under Wisconsin law, manufactured homes constructed prior to June 15, 1976, are called “mobile homes” for purposes of distinguishing such homes from manufactured homes that are constructed according to HUD standards.

MOBILE HOME PARK – Any site or tract of land under single ownership upon which are located two or more mobile home dwelling spaces. A mobile home park shall include roadways, buildings, structures, vehicles, or enclosures, used or intended for use as part of the facilities of such park. This definition shall not reduce or alter the requirements for the development or maintenance of mobile home parks in the City of Platteville and its Extraterritorial limits which require 10 or more mobile home spaces.

NONCONFORMING USES OR STRUCTURES – Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure.

OFFICIAL MAP – A map adopted by the Common Council pursuant to Section 62.23(6), Wisconsin Statutes, for the precise designation of right-of-way lines and boundaries of streets, highways, parkways, parks, playgrounds, greenways, historic districts and

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public transportation facilities, both existing and proposed. The Official Map may include areas beyond the corporate limits but within the extraterritorial jurisdiction of the City.

OUTLOT – An outlying parcel of land, other than a lot or block, and so designated on a plat.

PARKING SPACE – A graded and surfaced area, either enclosed or open, for the parking of a motor vehicle and having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST – All abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages of a subject property and all persons whose rights or interests might be affected by a decision of a board or commission or by the enforcement of any provisions of this ordinance.

PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PLANNED UNIT DEVELOPMENT (PUD) – A parcel which contains or will contain one or more principal structures, the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures. The PUD has certain facilities in common, such as yards, open spaces, recreation areas, garages and parking areas. Compatibility of uses and structures are to be ensured through approval of an overall plan showing proper orientation, desirable design character, compatible land uses and a tendency over a period of time to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. See Section 22.07.

PLAT – A map of a subdivision as follows:

- (a) Preliminary Plat means a preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Plan Commission.
- (b) Final Plat – means a map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the Subdivision Regulations of the city.

PROFESSIONAL OFFICE – The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

PUBLIC UTILITIES – means 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.

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RECYCLING OPERATION – An operation that collects and separates cans, bottles, plastic and/or paper from other waste products for further utilization and which is operated within a building.

ROOMING HOUSE – A building containing two (2) or more rooms to rent or let, which contains common facilities including (but not limited to) common toilet, kitchen, and dining facilities. Maximum occupancy in a rooming house is subject to the requirements of the building codes as well as other requirements of this Ordinance.

SALVAGE YARD – Any place which is owned, maintained, operated or used for storing, processing, buying or selling junk, including junk yards, automobile grave yards, auto-recycling yards and wrecking yards. Such facilities shall be screened by a solid fence or evergreen planting completely preventing view from any other property or public right-of-way. If evergreen planting or similar device is utilized, an additional fence or similar security device shall be installed to prevent unauthorized entry.

SIGN – See Section 22.11.

STORY – That part of a building included between the surface of one floor and the surface of the next floor. If the floor level directly above a basement is more than 6 feet above grade such basement shall be considered a story.

STORY, HALF – An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this ordinance the usable floor area is only that area having at least four feet clear height between floor and ceiling.

STREET, IMPROVED – A public right-of-way other than an alley which has, at minimum, a pavement which is hard surfaced and which meets the requirements of Chapter 21 of the Municipal Code.

STRUCTURE - Anything built, constructed, or erected from a combination of materials that is placed on or in the ground in a permanent or semi-permanent location.

SUBSTANDARD LOT – A lot or parcel of record in the office of the County Register of Deeds, duly recorded before the effective date of this Ordinance, which does not meet both the lot width and lot area requirements for the district in which it is located.

SUBSTANTIAL IMPROVEMENT – Any structural repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term does not, however, include either: (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, listed on the

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National Register of Historic Places, or within any historic district designated by the City in accordance with Chapter 27 of the Municipal Code. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

TELECOMMUNICATIONS CENTER – An office wherein one or more employees representing a company or product communicates with the public or conducts business via telecommunication, such as answering services, telemarketing, customer information and service centers, and insurance claims processing centers.

TURNING LANE – An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

UNNECESSARY HARDSHIP – Any unique and extreme inability to conform to the provisions of this ordinance due to 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.

UTILITIES – Public and private facilities such as water wells, water and sewer mains, pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VARIANCE – An authorization granted by the Board of Appeals to construct, alter, or use a structure or land in a manner which is inconsistent with the dimensional standards or regulations contained in this ordinance.

VEHICLE SERVICE AND REPAIR – Any premises used for service or care of motor vehicles or where motor vehicles are equipped for operation, are repaired or kept for remuneration, hire, or sale.

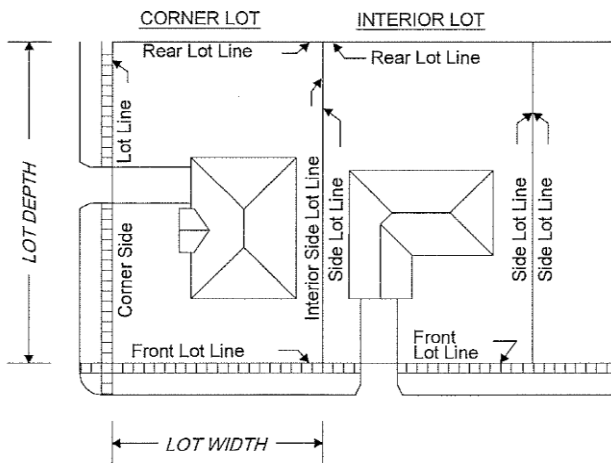
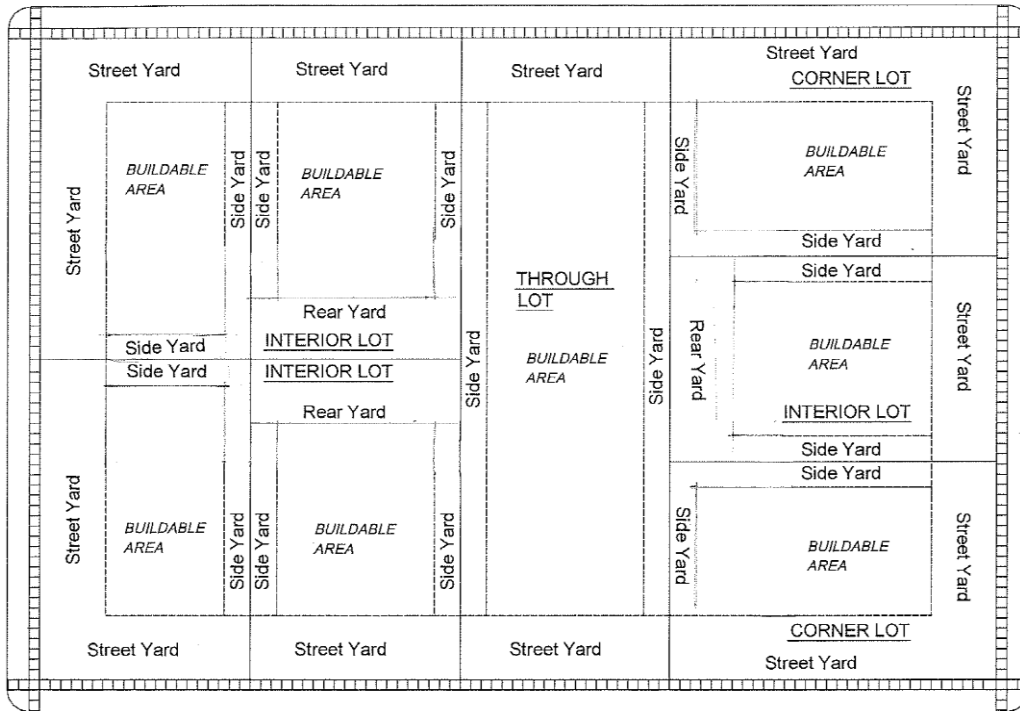
VEHICLE WASHING FACILITY – A private facility which provides automated, attended, or self-service vehicle washing equipment or personnel, subject to the requirements of Section 22.06. “Vehicle washing facility” does not include a self-contained washing facility which is attached to a vehicle service and repair facility or an automobile dealership, and which is used only for washing vehicles which are repaired or are for sale on the same site.

CHAPTER 22 Zoning

YARD – An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation and fences in good repair, as defined below. See Plate 3.

- (a) **Rear Yard** – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard. Corner lots and lots with three street frontages do not have a rear yard.
- (b) **Side Yard** – A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the interior side lot line and a line parallel thereto through the nearest point of the principal structure. For corner lots and lots with three street frontages, any yard that is not a street yard is a side yard.
- (c) **Street Yard** – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards; the yard abutting the front lot line shall be the front street yard.

ZONING DISTRICT – A portion of the incorporated area of the City within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.



LOT TYPES, LOT LINES, AND YARDS

Plate 3

22.16 CHANGES AND AMENDMENTS

(A) AUTHORITY

- (1) Whenever public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this ordinance or amendments thereto.
- (2) Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(B) INITIATION. A change or amendment may be initiated by the Common Council, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be rezoned or affected by the proposed changes.

(C) PETITIONS

(1) Petitions for any change to the district or lot boundaries or amendments to the text of this ordinance shall be filed with the City Clerk, describe the premises to be rezoned, the lot or lots to be re-divided or the text to be amended, list the reasons for the petitions, and specify the proposed use. For changes to zoning district boundaries, petitions shall also contain the following:

- (a) A map drawn to a scale of not less than 1:300 showing the area proposed to be rezoned, its location, its dimensions, the location, zoning, and existing use of all properties within 200 feet of the area proposed to be rezoned.
- (b) The names and addresses of owners of all properties within 200 feet of the area proposed to be rezoned; however, if the change or amendment is for a Planned Unit Development, the names and addresses of owners of all properties within 500 feet shall be provided.
- (c) An application fee in the amount as established from time to time by the Common Council.

(D) RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.

(E) HEARINGS. The Common Council shall hold a public hearing upon each recommendation involving changes of zoning or amendments to this Chapter after

publication of a Class II legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at least ten days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within 200 feet of the area proposed to be rezoned at least 10 days prior to the public hearing; however, if the change or amendment is for a Planned Unit Development, other than for an approved PUD, all property owners within 500 feet shall be so notified.

- (F) COMMON COUNCIL ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed change or amendment. Changes to the district boundaries must be shown on the Zoning Map on the effective date of the change.
- (G) PROTEST. In the event of written protest against such district change signed by the owners of 20% or more of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending one hundred feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending one hundred feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the Common Council voting on the proposed change.
- (H) REPETITIONING. No petition requesting the same or similar action may be resubmitted by the original petitioner or his agent for the same property before the passage of six months following Common Council action.

22.17 LEGAL PROVISIONS

- (A) AUTHORITY. These regulations are adopted under the authority of Sections 62.23(7) and 87.30 of the Wisconsin Statutes, as amended.
- (B) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation the Common Council, the Building Inspector, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.
- (C) ABROGATIONS AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

- (D) 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 City and shall not be deemed a limitation or repeal of any other power granted to the City by law. Where a provision of the floodplain zoning ordinance is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and where the meaning of the ordinance provisions is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of that ordinance or in effect on the date of the most recent text amendment to that ordinance.
- (E) SEVERABILITY. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected thereby.
- (F) REPEAL. All other ordinances or parts of ordinances of the City inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- (G) TITLE. This ordinance shall be known as, referred to or cited as the ZONING ORDINANCE, CITY OF PLATTEVILLE, WISCONSIN.